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Official Records

Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

1446th Meeting
Thursday, 13 July 1995, 10 a.m.
New York

Acting Chairman: Mr. Bangura . . . . . (Sierra Leone)

The meeting was called to order at 10.40 a.m.

Organization of work

The Chairman: I wish to inform members that the delegation of Mexico has indicated its wish to participate in the meetings of the Special Committee. In conformity with established practice, and if there is no objection, I shall invite the delegation of Mexico to take a place at the Committee table.

It was so decided.

At the invitation of the Chairman, the delegation of Mexico took a place at the Committee table.

Question of East Timor (A/AC.109/2026) *(continued)*

The Chairman: I call on the representative of Sao Tome and Principe.

Mr. Ferreira (Sao Tome and Principe): I am speaking before this Special Committee on behalf of the five African Portuguese-speaking countries: Angola, Cape Verde, Guinea-Bissau, Mozambique and my country, Sao Tome and Principe. On behalf of those countries, I wish to make some comments on the present situation of the question of East Timor.

The present momentum is highlighted by the recent all-inclusive intra-East Timorese dialogue, an event of great political importance, which worked to shape the conditions which have been missing for an authentic process of self-determination under United Nations guidance. Above all, we express our deep appreciation because, for the first time, leaders representing all the political backgrounds in East Timor met in order to organize themselves, and adopted a common position.

The Burg Schlaining Declaration has our total support because it outlines the political position of those who have been struggling under foreign occupation. Paragraph 5 of the Declaration

> "affirmed the importance of the ongoing negotiations between the Governments of Portugal and Indonesia under the auspices of the Secretary-General, which aim at finding a just, comprehensive and internationally acceptable solution to the question of East Timor, according to the provisions, letter and spirit of General Assembly resolution 37/30."

That paragraph is most valuable because it connects all the parties involved with ongoing negotiations between the Governments of Portugal and Indonesia under the auspices of the Secretary-General in order to achieve a just, comprehensive and internationally acceptable settlement of the question of East Timor within the provisions, letter and spirit of General Assembly resolution 37/30.

We want to bring to the attention of the Special Committee the need for the Timorese representatives to be directly involved in any acceptable settlement on the question of East Timor; we are looking forward to that happening in the future within the framework of the negotiations.

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This record contains the original texts of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Section, room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

Many events have taken place since the Committee's last meetings in July 1994. These include the events in Jakarta, where 41 East Timorese were detained while trying to enter the grounds of the United States Embassy, while 29 more were inside the compound of that diplomatic Mission; the arrival in Lisbon of 29 young Timorese; and the most serious incident, which took place in the region of Liquica on 12 January 1995, when six East Timorese civilians were killed.

In fact, the human rights situation has continued to be a problem of concern to us. Many reports, such as those from the National Human Rights Commission and Amnesty International, say that many suspected supporters of independence for East Timor have been subjected to short-term detention, ill-treatment, harassment and gunshots fired by soldiers. We want to remind the Indonesian Government that any individual who commits acts of aggression against East Timorese civilians must be brought to justice. East Timorese prisoners in custody must have the right to fair treatment and must be released without any preconditions. Also, the cultural identity of the people of East Timor must be preserved; all attempts to modify it are illegitimate.

The Territory of East Timor is a Non-Self-Governing Territory, and Portugal, as administering Power, must encourage all countries to avoid exploration for and exploitation of the natural resources of the Territory of East Timor.

In conclusion we, the group of five African lusophone countries, will continue to support the all-inclusive intra-East Timorese dialogue and the negotiations between Portugal and Indonesia under the auspices of the Secretary-General and involving the authentic representatives of East Timor.

The Chairman: I call on the representative of Portugal.

Mr. Quartin Santos (Portugal): I begin by congratulating you, Sir, on your new role as Acting Chairman of the Special Committee, a prestigious body which for more than three decades has maintained a tradition of valuable work in the field of decolonization. I am sure that under your able guidance this Committee will continue to perform all its duties in a most satisfactory manner.

Portugal, in its capacity as administering Power of the Non-Self-Governing Territory of East Timor, has continuously cooperated with the Special Committee, despite the obvious limitations stemming from the fact that it has hitherto been prevented de facto from exercising effectively the responsibilities incumbent upon it.

When my delegation was about to address the Special Committee over the question of East Timor, on 14 July last year, reports had just reached us concerning the occurrence of serious incidents in the Territory's capital, Dili, forcing us to introduce a last-minute addition to our text. As was later confirmed, a demonstration by hundreds of students of the University of Dili was being staged in protest against an incident involving two nuns who had been provocatively harassed by individuals later identified as members of police and army intelligence. The demonstration was harshly repressed, resulting in a sizeable number of casualties. These events followed another incident relating to religion that had taken place on 28 June, in Remexio, when two soldiers publicly desecrated the communion host, prompting a protest by local people, who were later detained. The occupying authorities said the soldiers would be disciplined and court-martialled.

The facts I have just referred to reveal that a new factor, religious tension, had surfaced, contributing to heightening an already tense and intimidating atmosphere. But those facts were not the only new elements; together with the emergence of unprecedented ethnic-based violence and the appearance of new forms of protest and disaffectation on the part of the East Timorese *vis-à-vis* the status quo in their country, they have characterized the unfolding of events in East Timor since the Special Committee last met to discuss this question. I will return to these factors later.

July 1994 was also the month when another relevant fact took place: the visit paid to East Timor, on the invitation of the Government of Indonesia, by the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions of the Commission on Human Rights, Mr. Bacre Waly Ndiaye. Mr. Ndiaye submitted a long and detailed report to the Commission on Human Rights at its fifty-first session. As a brief initial comment, I would say that it constitutes a serious and well-documented indictment not only of the Indonesian authorities' behaviour in connection with the 12 November 1991 killings at the Santa Cruz cemetery, but also of the overall human rights situation in East Timor.

Mr. Ndiaye points out that most of the provisions adopted by the Commission on Human Rights since 1992

are still to be implemented and he urges the Indonesian authorities, *inter alia,* to conduct proper investigations of the Santa Cruz killings — "killings, and not an 'incident', took place in Santa Cruz" (*E/CN.4/1995/61/Add.1, para. 81*), Mr. Ndiaye wrote — to identify and bring to justice the perpetrators, to determine the fate and whereabouts of the missing persons, to grant compensation to the victims or their relatives, and to prevent the occurrence of further killings.

The Special Rapporteur, who speaks of

> "the atmosphere of fear and suspicion currently prevailing in East Timor" (*ibid., para. 83*),

is of the opinion that no confidence-building measures can be effective and no solution to the problems confronting East Timor can be found before justice has been done, and he maintains that the conditions which allowed the Santa Cruz brutality to occur are still present. Mr. Ndiaye wrote also that

> "a drastic reduction of the military presence in East Timor is a prerequisite for confidence-building measures". (*ibid., para. 83*)

His report concludes, moreover, that the shooting at the Dili cemetery was not an isolated incident, but a planned military operation.

In fact, the human rights situation continued to be a source of deep concern in the second half of 1994, and its serious deterioration during the early months of the present year has been consistently reported. After the June-July incidents I mentioned earlier, which prompted the countries members of the European Union to issue a declaration on 18 July 1994 expressing their concern over the events, violence erupted again in the streets of Dili in November 1994 and January 1995, and in Baucau on 1 January 1995, during which five people were reported killed, several injured and many arrested. Both in Dili at times in November, and in Baucau in January, ethnic-related disputes seem to have been the sparks that ignited fires of violence hitherto absent from the East Timorese pattern of peaceful demonstrations and protests. Massive immigration of Indonesians into East Timor under the encouragement of the occupying authorities is now reaching the point where it represents a most disturbing factor in the already intolerable human rights situation prevailing in the Territory, since it has contributed to marginalizing the East Timorese and to aggravating the unemployment problem affecting them.

On 12 November 1994, 29 East Timorese students entered the United States Embassy in Jakarta and displayed banners calling for the President of the United States to seek the release of the East Timorese resistance leader, Xanana Gusmão, to push for his participation in peace talks, and to support a referendum on the political future of East Timor. With the cooperation of the International Committee of the Red Cross (ICRC) they were allowed to depart for Portugal on 24 November 1994.

It can be said that never, since the 12 November 1991 massive killings in Santa Cruz cemetery, had the problem of East Timor attracted such attention on the part of world-wide public opinion.

But the worst was still to come. On 12 January 1995, six East Timorese civilians — José Nunes, Augusto Pinto Nunes, Abel Nunes, Américo Araújo and Osório Soares — were killed by the Indonesian armed forces in the region of Liquica. The occupying authorities maintained at first that they were guerrilla fighters who had been killed while engaged in action by the Indonesian military. The Indonesian National Human Rights Commission, though, after proceeding to an investigation on the spot, concluded that the six were in fact local civilians who had been tortured and shot by the soldiers. After another investigation carried out by the military, one officer and one private were court-martialled for their role in this brutality, sentenced to four-and-a-half and four years of imprisonment, respectively, and discharged from the army. Though we view this investigation and the holding of members of the armed forces accountable for their behaviour as positive, we cannot fail to compare the disparity between the sentences handed down for the torturing and cold-blood killing of people with those given to East Timorese charged with non-violent acts of protest and demonstration.

This was the case with José António Neves, a theology student arrested in East Java in May 1994 and sentenced in February to four years in prison, accused of seeking to gain international support for East Timor's independence by sending faxes with information on human rights abuses in East Timor to overseas non-governmental organizations. The same applies to Isaac Soares, Miguel de Deus, Pantaleão Amaral, Rosalino dos Santos and Pedro Fátima Tilman, sentenced to 20 months' imprisonment for taking part in a peaceful pro-independence demonstration staged before a party of foreign journalists on 14 April 1994 in Dili.

As if the Indonesian authorities were taking revenge for the restraint they had had to exercise before the international press correspondents gathered in Jakarta and Dili for the Asia-Pacific Economic Cooperation Council (APEC) summit meeting held last November, East Timor has been swept since that occasion by a wave of new repressive and intimidating actions, leading to a serious deterioration of the human rights situation.

Hooded gangs, so-called "ninjas", roamed the streets of Dili and of villages in rural areas, attacking those supposed to be opposed to Indonesian rule. Amnesty International reported that the authorities have responded to the unrest in the territory with arbitrary detentions, beatings and torture, as was exemplified by the handling of the 9 January demonstration at Dili University, which led to the sentencing of José António Belo to 17 months in jail. After the reading out of the sentence, he appealed to the Indonesian authorities to stop torturing the imprisoned East Timorese, which was said to be a concrete reference to torture inflicted on a group of prisoners in the Becora military prison. Others who took part in the aforesaid demonstration were also handed jail terms: Lemos Barreto and Inácio Jesus Santos — 20 months; José Pinto, Pedro Costa and Alex Costa — 26 months; Carlos Barreto and José Amaral — 30 months.

Still, according to Amnesty International:

> "hundreds of suspected supporters of independence for East Timor were subjected to short-term detention, ill-treatment and harassment"

in 1994.

The Government of Indonesia, instead of reducing the troop level in East Timor as it has been pledging to do for years, has in fact, according to all available testimony, significantly increased their number during the months that followed the demonstrations staged in November in Jakarta and Dili. As for the state of mind of some of their main responsible officers, I would like to quote two of them. The first, Colonel Kiki Syahnakri, then commander for East Timor, said on 1 December 1994:

> "We will not tolerate any more disturbances or demonstrations in East Timor, especially in the capital, Dili. If repetitions occur ... I will not hesitate to cut them to pieces."

The second, Major-General Adang Ruhiatna, is commander of the regional area which includes the troops stationed in East Timor. Speaking to the magazine *Forum Keadilan* in March 1995, he said of the East Timorese opponents:

> "A lot of people have been coming just asking us to finish them off. We're just waiting for the order. If it is that we want, it would be easy."

Against this deplorable background, the United Nations Commission on Human Rights adopted by consensus on 1 March 1995 a new Chairman's statement on the situation of human rights in East Timor, following those approved in 1992 and 1994, and resolution 1993/97, adopted in 1993. This time, the Commission expressed its deep concern over the continuing reports of human rights violations in the territory and again urged the Indonesian Government to live up to its commitments regarding the improvement of human rights in East Timor, namely the full investigation of the 12 November killings in Santa Cruz, with especial reference to those people still missing and the circumstances surrounding the matter; the early release of the East Timorese convicted; and the granting of access to human rights and humanitarian organizations and the international media. The High Commissioner for Human Rights is to be invited to visit East Timor in 1995 and to submit his report to the Commission on Human Rights at its fifty-second session. Relevant thematic Special Rapporteurs and/or Working Groups of the Commission are also to be invited, taking into consideration their requests, when necessary, in the fulfilment of their duties.

But as my delegation has pointed out before, not only has significant progress over the investigations related to the 12 November 1991 killings failed to materialize, but those East Timorese already convicted for non-violent activities have not been released and more have recently been sentenced for engaging in peaceful political activities.

While some progress had previously been achieved regarding the granting of access to East Timor, we must nevertheless regret that the call reiterated by the Commission on Human Rights in this regard has yet to receive a positive response and that the international media have been, with very few exceptions, barred from entering the Territory since early this year. This constitutes a serious setback in the efforts to redress the situation and is a sign of Indonesia's lack of serious will to live up to its own commitments.

Still in the field of human rights, I will conclude by quoting the remarks publicly made by the Minister of Foreign Affairs of Australia on 16 May 1995:

> "There is no doubt there is an oppressive military presence in East Timor far and away beyond that which is needed for the security of the place."

These comments were prompted by the claims of Mr. Simon de Faux, an Australian nurse, concerning activities in East Timor. Having served as a volunteer health worker in East Timor early this year, he said that he had treated people there who had been tortured, raped and beaten by Indonesian soldiers. The Indonesian authorities, while dismissing the charges, have promised that an investigation into the matter will be carried out. It would therefore be important for its results to be made public.

In an unprecedented development, about 1,000 East Timorese visiting Australia early this year, apparently as tourists, have applied to the Australian authorities for political asylum. More recently, 18 people, including women and children, have escaped from Dili by boat — a small and fragile wooden fishing vessel — and headed to the northern coast of Australia with the same purpose. They were the first "boat people" ever to escape from East Timor, in a clear indication that significant improvements in the conditions prevailing in the territory have failed to materialize.

On 9 January 1995, the fifth round of talks over the question of East Timor took place under the Secretary-General's auspices. Since the positions of the Government of Portugal and Indonesia over the Territory's status have remained far apart, efforts in this context have been concentrated on defining and carrying out a number of measures aimed at fostering an atmosphere of dialogue, improving the situation in the territory and trying, through a step-by-step approach, to bridge the existing differences whenever possible.

An area where concrete progress has lately been achieved pertains to the association of the East Timorese with this process. First, and in accordance with what had been approved during the previous meeting, on 6 May 1994, the Minister of Foreign Affairs of Portugal met in Luxembourg on 4 October with a delegation of supporters of integration. Two days later in New York, the Foreign Minister of Indonesia met with supporters of self-determination.

In the January meeting, it was further decided that the Secretary-General would facilitate and offer the necessary arrangements for the convening of an all-inclusive East Timorese dialogue as an important contribution to his own efforts. This dialogue was purported to address informally a number of practical ideas and possible actions that could lead to the improvement of the situation in the Territory and ease tension over the issue as a whole. It was conceived mainly as a kind of advisory forum for the Secretary-General.

This development was viewed by Portugal as particularly positive, since it has been its consistent policy to include the East Timorese, as the main interested party, in the search for a settlement to this question, in accordance with Article 73 of the Charter and with the relevant resolutions of the United Nations in the area of decolonization. It was extremely important that, with United Nations assistance, conditions be created for a free, credible and open debate among the leading representatives of the diverse East Timorese movements, with all opinions represented.

The first all-inclusive Intra-East Timorese meeting took place in Burg Schlaining, Austria, from 2 to 5 June 1995. After thorough consultations were held by the United Nations Secretariat with the Governments of Portugal and Indonesia as well as with East Timorese political parties and personalities, both from within East Timor and outside, 30 East Timorese were able to meet alone, with the assistance of a very limited number of efficient and discreet United Nations officials.

As members know, the meeting took place in a very positive and constructive atmosphere, allowing for the Burg Schlaining Declaration to be issued together with two annexes, one referring to the whole range of issues discussed — which should continue to be debated, according to the Declaration, at future meetings — and the other reproducing the statement made by Monsignor Ximenes Belo on behalf of the Catholic Church in East Timor.

As a general comment on the Burg Schlaining gathering, I would say that it served the purpose for which it was convened. It showed that, political differences notwithstanding, it is possible to find common platforms of understanding with respect to the need to arrive at a settlement to this question as a whole, and also regarding crucial areas of concern for the East Timorese, including redressing the human rights situation and

promoting peace; preserving the East Timorese identity; and the need for the further involvement of the East Timorese in running their own country in a climate of mutual understanding, tolerance and harmony. It is also worth noting that they proposed to the Secretary-General that further intra-Timorese meetings be held within the same framework.

In their sixth round of talks, which took place a few days ago, on 8 July, the Portuguese and Indonesian Foreign Ministers welcomed the Burg Schlaining meeting and qualified it as

> "a positive effort to help create an atmosphere conducive to the achievement of a solution to the question of East Timor".

The Ministers also welcomed the Secretary-General's view on the need to convene a further meeting, or meetings, to continue this dialogue in a timely manner.

Among the substantive issues on which discussion has begun, as announced by the press communiqué issued at the end of the sixth round, one of them, "the preservation and promotion of the cultural identity of the East Timorese people", corresponds to one of the items addressed by the Burg Schlaining Declaration, thus demonstrating the usefulness of this initiative in the context of the process of dialogue.

Portugal and Indonesia, despite their opposing views regarding the political status of East Timor, started discussing, *inter alia*, substantive issues identified by the Secretary-General related to an eventual framework for the achievement of a settlement of this problem. The Portuguese Government wishes to reiterate its full commitment to collaborate with the Secretary-General's efforts in that direction, as well as its openness to explore all possible ways to reach that goal, provided that the legitimate rights of the East Timorese, in accordance with the Charter and international law, are fully respected.

As members are aware, the International Court of Justice handed down, on 30 June last, a Judgment on the *Case concerning East Timor (Portugal versus Australia)*. As members also certainly know, the Court concluded that it could not exercise its jurisdiction in this case, because Indonesia, which does not accept the mandatory jurisdiction of the Court, was absent from the proceedings. And since the Court decided that to rule on the merit of the case would necessarily imply a ruling on the lawfulness of Indonesia's conduct regarding East Timor, the latter's absence led the Court to decline to exercise its jurisdiction.

It should be pointed out, then, that the Court's decision was taken on purely procedural grounds, for the reason I have just given. There was no Judgment on Portugal's claims and therefore no conclusion on the lawfulness of Australia's action in negotiating, concluding and implementing the so-called Timor Gap agreement with Indonesia.

It should also be recalled, however, that the Court did not fail to recognize that Portugal's assertion that the right of peoples to self-determination, as it evolved from the Charter and from United Nations practice, has an *erga omnes* character was "irreproachable". The Court also recognized, in paragraph 31 of its Judgment, that

> "the General Assembly, which reserves to itself the right to determine the Territories which have to be referred to as Non-Self-Governing for the purposes of the application of Chapter XI of the Charter, has treated East Timor as such a Territory. The competent subsidiary organs of the General Assembly have continued to treat East Timor as such to this day. Furthermore, the Security Council, in its resolutions 384 (1975) and 389 (1976) has expressly called for respect for 'the territorial integrity of East Timor as well as the inalienable right of its people to self-determination in accordance with General Assembly resolution 1514 (XV)'".

Even though the Court did not wish to rule on Indonesia's conduct towards East Timor, due to its absence, it mentioned in paragraph 14 that

> "the intervention of the armed forces of Indonesia in the territory"

and said also, in paragraph 13 of the judgment, that

> "On 7 December 1975, the armed forces of Indonesia intervened in East Timor".

These expressions imply the qualification of such conduct as being against international law.

In reaction to this judgment, the Portuguese Government challenged the Government of Indonesia to accept the jurisdiction of the International Court of Justice and to abide by its ruling on the case. This

challenge has failed, however, to receive a positive response.

The Court's decision on this procedural point, which prevented a Judgment on the substance from being delivered, does not affect the legal and political grounds on which Portugal's action to complete the decolonization of East Timor, in conformity with international law, and to uphold the rights of the East Timorese has been carried out, the Court having clearly recognized the Timorese people's right to self-determination and the Territory's Non-Self-Governing status.

The Portuguese Government, before United Nations political bodies and before its principal judicial organ, the International Court of Justice, has continued to pursue consistently a policy aimed at defending the legitimate rights of the people of East Timor, in conformity with the Charter, resolutions 1514 (XV) and 1541 (XV), as well as with all the other resolutions adopted on this question by the Security Council and the General Assembly.

This year, the fiftieth anniversary of the United Nations — which coincides with the twentieth anniversary of the illegal invasion of East Timor — the question of East Timor is increasingly attracting worldwide attention, not only as a basic human rights issue but also, first and foremost, as a question of restoring the rights of a small colonial people, allowing it freely to choose its future political status. The two problems, as shown by the experience of the past 20 years, are inextricably interlinked. If the underlying political causes of the unrest in the Territory are not dealt with, there will be no lasting peace and no significant human rights improvement.

The determination of the East Timorese to fight for their rights has been dramatically highlighted by the events that took place in November in Jakarta and in Dili, during the Asia-Pacific Economic Cooperation (APEC) summit meeting. Growing international concern over the issue was reflected by the unprecedented media coverage, indicating that it can no longer de facto be kept out of the international agenda. In early June, the Inter-Parliamentary Conference on East Timor, held in Lisbon at the initiative of the Portuguese Parliament, assembled 200 members of Parliament and personalities from more than 30 countries, representing all continents, called for effective action in favour of the people of East Timor to be carried out as a matter of urgency.

Portugal will persevere in fulfilling its duties as the administering Power in order to find, through peaceful and diplomatic means and in close cooperation with United Nations bodies, a settlement to this protracted problem, which constitutes an anachronism and an injustice, striking an unacceptable contrast with this year's commemoration of the very existence of this Organization.

Mr. Samana (Papua New Guinea): In the last two days, my delegation has heard with great interest the submissions of various petitioners, presenting their perceptions of the situation in East Timor, with particular reference to the alleged human rights violations by the Indonesian security forces.

I have no doubt that my Indonesian colleagues have taken note of these allegations and will bring them to the attention of their Government.

I wish to make several observations on this very sensitive issue. First, I wish to refer to the fact that in the wake of Indonesian military intervention to deal with the civil disorder in East Timor in 1974, waves of protesters emerged from all corners of the globe, and a number of non-governmental organizations established offices specifically to advance the cause of their protest in different international forums, including the United Nations.

Twenty years after the invasion some of these former protesters have prospered after having written theses on the Timorese struggle, and have been promoted within the circles of the university faculties as experts on the subject — not to mention a number of Western journalists who seem to thrive on writing about other people's problems. My delegation shares the concern about human-rights violations, not only in Indonesia but in every part of the globe.

A thorough assessment of the internal and external factors leading to the current situation in East Timor would provide us with a broader perspective and understanding of the complexity of the East Timor situation. None of the petitioners have mentioned that Portugal, which has been the administering Power in East Timor for many centuries, hastily left the islanders to fend for themselves twice — once during the Second World War, and then at the outbreak of the East Timor rebellion in 1975.

There is sufficient evidence to indicate that the Government of Portugal relinquished its responsibility as an administering Power in East Timor when it

irresponsibly abandoned the Territory in August 1975, at the height of the Timorese rebellion, resulting in a total collapse of civil order and bloodshed.

Another important factor, which was not mentioned by any of the petitioners, is the cold-war geopolitical situation in which Indonesia's extension of sovereignty over East Timor was exercised. It was achieved with the full knowledge of and silent acceptance by Western Powers — in particular, the United States, whose former President, Gerald Ford, met with President Soeharto of Indonesia in November 1974, prior to the integration of East Timor with Indonesia.

This particular crisis, within a specific geographic location of strategic value and interest to the global strategy of the United States, linking United States efforts in the Viet Nam war, in which Australia was an active participant, prompted an obvious super-Power reaction, precipitating the integration of East Timor with Indonesia, in the total absence of Portugal.

My delegation understands that at the time of the rebellion in East Timor different political parties emerged, each competing vigorously to take political control of the East Timor situation. At this time two distinct political opinions emerged, one favouring total independence, the other integration. Those who favoured integration hold that integration with the Indonesian Republic has resolved the political crisis in East Timor, while those who opposed integration are waging a guerrilla war.

I wish to make an additional point: that there were other opinions within East Timorese political factions that favoured integration with Portugal.

Even without the Indonesian intervention, the possibility of proxy wars conducted through external influence and support for different political/ideological camps in East Timor could have been just as fatal. Another scenario of an independent East Timor in the context of the cold war, presenting a different ideological front destined to destabilize the Indonesian State, was a prevailing perception within the region.

My delegation therefore believes that the East Timor situation must be carefully analysed and can be resolved only through peaceful means, and not by creating further antagonisms.

Certain Powers, both within and outside the Pacific region, see the independence of East Timor as favouring their vested economic interest, given the mineral riches, such as oil and other resources, within the area. The actions of these Powers in the international community, purporting to support the Timorese case, is questionable from our perspective.

I wish to cite one of the East Timorese speakers who, when petitioning the Committee last year, stated that the provision for infrastructural development made by Indonesia in the last 20 years was far more extensive than that of the Portuguese during 400 years of colonialism.

Having made these observations, Papua New Guinea supports the efforts by the Secretary-General in facilitating the sixth round of talks on the question of East Timor, held in Geneva on 8 July 1995 between the Foreign Ministers of Indonesia and Portugal subsequent to the all-inclusive intra-East Timorese dialogue held in Austria from 2 to 5 June 1995.

My Government looks forward to the seventh round of talks between the two Foreign Ministers and urges them to make progress on the substantive issues, including an eventual framework for the achievement of an outcome acceptable to all concerned.

Mr. Sriwidjaja (Indonesia): At the outset, my delegation would like to express its appreciation to you, Mr. Chairman, for guiding the work of the Special Committee, and we are hopeful of a successful outcome to the deliberations this session.

In the past my delegation has unequivocally made clear its position on the so-called question of East Timor. In this regard, it is our firm view that the appropriate forum to find a just, comprehensive and internationally acceptable solution to the question of East Timor is the ongoing tripartite dialogue held between Indonesia and Portugal under the auspices of the United Nations Secretary-General. To this end, we would like to inform the Committee that the sixth round of talks was held by the Secretary-General only a few days ago, on 8 July 1995, between the Foreign Ministers of Indonesia and Portugal, and the parties agreed to continue their efforts. The discussions centered on the substantive issues related to the eventual framework for the achievement of a solution, as well as other matters, including the preservation and promotion of the cultural identity of the East Timor people and bilateral relations between Indonesia and Portugal.

The continued consideration of the question of East Timor by this Committee will not in any way contribute towards a favourable atmosphere for the ongoing efforts under the auspices of the Secretary-General. It should be noted that the next round of talks is scheduled to be held on 16 January 1996 in London.

Furthermore, the all-inclusive intra-East Timorese dialogue was convened recently in Burg Schlaining, Austria, from 2 to 5 June 1995. This constitutes a positive effort to create an atmosphere conducive to the achievement of a solution to the question of East Timor. This dialogue was convened following the agreement reached at the fifth tripartite dialogue, of 9 January 1995, which, *inter alia*, stipulated the need for East Timorese of all shades of opinion to exercise restraint and to refrain from actions that could have a detrimental impact prior to and during the course of the dialogue. We believe that the dialogue was successful since it served as a useful forum for East Timorese personalities to meet in a peaceful and fraternal atmosphere.

Against this backdrop, Indonesia regrets the unfounded allegations and misrepresentations made earlier by the representative of Portugal concerning the so-called question of East Timor. We have heard from the petitioners the same litany of accusations concerning the situation in the province. My delegation is therefore compelled to make the following clarifications.

It is pertinent to recall that the process of decolonization was carried out strictly in accordance with General Assembly resolutions 1514 (XV), 1541 (XV) and 2625 (XXV), which eventually resulted in the independence of East Timor through integration with the Republic of Indonesia. Although the Indonesian Government welcomed the expressed desire of the East Timorese people for integration, it was only when the proper exercise of self-determination had taken place in accordance with the Territory's traditional practices and culture that Indonesia acceded to the formal request presented to the Indonesian Government by the representatives of the four political parties in East Timor, representing the overwhelming majority of the East Timorese people. The statute for integration was signed into law on 17 July 1976, and decades of Portuguese colonialism, oppression and suffering and months of internal strife and bloodshed came to an end.

As the Special Committee is aware, no two cases of decolonization are alike — subject as they are to different historical and geopolitical realities in those territories. In fact, many Non-Self-Governing Territories have gained their independence without resort to the relevant United Nations General Assembly resolutions, as was the case in almost all Portugal's former colonies. What is also frequently overlooked is the fact that the participation of the United Nations in every process of decolonization is not mandatory.

It is indeed astonishing to note how Portugal plays the role of an administering Power. It is a historical fact that, in August 1975, the Portuguese colonial authorities irresponsibly and precipitously abandoned East Timor after allowing the situation to deteriorate to the point of civil war. It fueled even more fighting and bloodshed by turning over arms and ammunition to the leftist Revolutionary Front for an Independent East Timor (FRETILIN), which thereupon terrorized the population. What actually occurred was the massive breakdown of governmental authority, with civil war engulfing East Timor. Thousands were killed and even more fled the territory into West Timor, Indonesia, posing serious political, economic, social and security problems in the region. Can such action be considered moral? My delegation finds its difficult to justify the moral grounds for such irresponsible behaviour.

The historical responsibility of Portugal to East Timor is not in evidence, especially in view of the deplorable and poverty-stricken conditions existing in the Territory after its abandonment. In fact, it was a 450-year colonial legacy of neglect, so that education, health facilities, housing and communications in East Timor would best be described in a single word: non-existent. As for Portugal's legal grounds for asserting itself as the administering Power, those are equally difficult to justify. Its past actions demonstrate not only its inability to carry out its responsibility, but also its complete lack of interest in assisting the Territory in any just or orderly process of decolonization.

It is beyond doubt that Portugal has forfeited all historical, moral, legal and political right still to be considered the administering Power. We would have wished that this exalted sense of duty had been in evidence 19 years ago. It is our earnest hope that Portugal will accept the reality of the situation, that is, that the East Timorese people have already determined their fate fully in accordance with the essence and spirit of the relevant United Nations resolutions.

As regards the human rights situation in East Timor, my delegation would like to inform the Committee that

Indonesia has taken a number of significant steps which go well beyond the Chairman's consensus statements before the Commission on Human Rights in 1992, 1994 and 1995. We are endeavouring in all sincerity to resolve the remaining issues related to the Dili incident of 12 November 1991, including continuing the search for missing persons.

Indonesia has always expressed its readiness to work with the Commission on Human Rights. It is in this spirit that it has invited the Special Rapporteur and representatives of the Secretary-General to visit Indonesia, including East Timor. It is not the intention of the Indonesian delegation to undermine the credibility of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions. However, since many speakers have referred to his report, I am compelled to offer some background information concerning his visit.

The Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Mr. Bacre Waly Ndiaye, visited East Timor from 3 to 13 July 1994 and presented a report which Indonesia deeply regrets and whose contents it rejects. We believe it gives a distorted and biased picture and does not even taken into account Indonesia's views, for the following reasons. In this regard, I should like to inform the Committee that I myself personally accompanied Mr. Bacre Waly Ndiaye during his visit to the province. It was agreed that his mandate was only to seek further clarifications concerning the Dili incident of 12 November 1991, in line with the recommendations of the consensus statement of the Chairman of the Commission on Human Rights. I was aware that he already had a list of allegations originating from irresponsible sources alleging "ninja" activity, killing of the wounded from the Dili incident by the doctors in the hospital, the practice of *mandilant*, the rape of women and torture by the Indonesian armed forces. These preconceived ideas were contained in his report. Consequently, there is no doubt that the Special Rapporteur acted beyond the purview of his mandate. However, our firm position on this issue does not diminish our determination further to improve the promotion and protection of human rights and to continue to cooperate with the United Nations mechanisms.

In addition, it has been proposed that a branch of the National Human Rights Commission be opened in Dili, East Timor, in order more effectively to monitor the human rights situation there. This body has been praised by the international community for its impartial investigations and findings.

As regards the Liquica incident of 12 January 1995, the two soldiers who were indicted for criminal acts were brought to trial. They were later sentenced to four-and-a-half and four years, respectively. Both of the sentences meted out by the courts demonstrated the commitment of the Indonesian authorities to upholding the law, protecting human rights and ensuring against recurrences of such human rights violations.

The allegations that Indonesia is increasing its troop presence in East Timor and those concerning Indonesia's policy are blatantly false. The doctrine of the Indonesian armed forces is that they come from the people, protect the people and are for the people. It should be noted that soldiers have to implement the orders of their commanding officers. Some of these officers have participated in the international military training programme of the United States, which emphasizes humanitarian law in the protection of the local population. The military penal code, the eight soldiers' obligations and seven rules of conduct are strictly applicable to all individuals in the Indonesian armed forces. These include being sensitive to the needs of the local people and honouring women. In any armed forces situation, there are always a few individuals who do not follow their orders; these are dealt with by strict measures, including court martial and dismissal. Furthermore, the Military Operation Command has been disbanded and replaced by a regular District Command which, it should be emphasized, is similar to that in other Indonesian provinces. The troops are now involved in civic missions to expedite the promotion of development in the province.

The Committee was intentionally misled by being given the impression that ethnic tensions in the province have led to certain incidents. The incident in Baucau had nothing whatsoever to do with religious provocation or ethnic strife. It was an outbreak of violence caused by a quarrel between two traders, one from East Timor and the other from Sulawesi, which tragically resulted in the death of the East Timorese individual. The South Sulawesi man was later tried before the criminal court and sentenced to 11 years in prison.

The other demonstrations that were referred to have been completely and factually distorted. These demonstrations were instigated by elements intent on attracting the attention of the international community either during the Asia-Pacific Economic Cooperation Council summit in November 1994 or at the time of the tripartite dialogue between the Foreign Ministers of

Indonesia and Portugal in January 1995, held under the auspices of the Secretary-General.

As regards the Judgment of the International Court of Justice on the East Timor case alluded to by some petitioners, it must be clarified that the Court did not render a decision on the question of the self-determination of East Timor. In this regard, the Court dismissed Portugal's claims by concluding that it could not

> "rule on Portugal's claims on the merits, whatever the importance of the questions raised by those claims and of the rules of international law which they bring into play".

It is essential to emphasize in this connection that the Court only noted the fact that the General Assembly had treated East Timor as a Non-Self-Governing Territory. In the context of its analysis regarding the position of the two parties to the case, the Court thus never reaffirmed the right to self-determination of the East Timorese people, as claimed by some petitioners.

It is important to note that the Indonesian-Portugal Friendship Association (PPIP), in cooperation with the Portugal-Indonesian Friendship Association (PIFA), held a cultural event on 3 April 1995 in Jakarta, in which 18 Portuguese singers, dancers and musicians from Coimbra University, Portugal, participated. The President of PPIP and the Chairman of PIFA attended this event. In his speech, the President of PPIP expressed his support for the integration of East Timor with Indonesia.

Indonesia's contribution to the province of East Timor is well known. It is reflected in the impressive record of various aspects of development, whether it be in agriculture, health care or the building of socio-economic infrastructures.

The Government of Indonesia welcomes visitors to the province to view for themselves the substantial progress made there. During the past six months, the province was pleased to welcome members of Parliament, Ambassadors and representatives of various Embassies in Jakarta, as well as several foreign journalists. The Government of Indonesia has also extended an invitation to Belgian Members of Parliament to visit East Timor in September 1995. The European Parliament-Indonesia Friendship Association (EPIFA), representing various political parties in European Union member countries, plans to visit East Timor next month. The High Commissioner on Human Rights is also set to visit East Timor in November.

Finally, in the light of the foregoing, it is clear that all the allegations leveled against Indonesia are essentially politically motivated, unsubstantiated and highly exaggerated. It is therefore our earnest hope that the Committee accept the prevailing reality that the process of decolonization in East Timor is complete, and allow its people to build a more certain future for themselves and their children.

The Chairman: I shall now call on those representatives who wish to speak in exercise of the right of reply.

I draw the Committee's attention to the following decision of the General Assembly:

> "The number of interventions in the exercise of the right of reply for any delegation at a given meeting should be limited to two per item.
>
> "The first intervention in the exercise of the right of reply for any delegation on any item at a given meeting should be limited to 10 minutes and the second intervention should be limited to five minutes." *(decision 34/401, paras. 9-10)*

I would request members' cooperation in this regard.

Mr. Quartin Santos (Portugal): I will be quite brief. I should like to comment on the statements made by several of the delegations and petitioners who spoke before the Committee.

First, some historical interpretations and analyses were made before this Committee about the events that took place in East Timor in 1974 and 1975. This matter has been thoroughly discussed in this Committee for years, so I will not abuse members' patience. I should like to say that we stand by what we have said before, and I should also like to add that the rights of colonial peoples cannot be ignored on the pretext of any eventual wrongdoings or shortcomings of the administering Power; to do that would be to turn upside down the Charter and relevant resolutions of the United Nations in the field of decolonization, which would be absurd.

Secondly, I should like to refer also to the alleged relinquishment by Portugal of its status as the administering Power of East Timor because of the events of 25 August 1975. The relevant resolutions of the General Assembly and the Security Council adopted

subsequently have clearly recognized that capacity. And the arguments of Indonesia and Papua New Guinea, as stated a few moments ago, do not explain how the Rome meeting between the two Ministers for Foreign Affairs could have taken place in November 1975, a meeting at which that capacity was clearly recognized by Indonesia. Furthermore, how could a draft resolution have been submitted on 30 December 1975 by Indonesia, among others, praising the efforts of Portugal as administering Power to put the East Timor decolonization process on the right track?

To conclude, I should like to read out the second part of paragraph 31 of the Judgment of the International Court of Justice, since I think it was somehow misinterpreted moments ago by our Indonesian colleague.

> "For the two Parties [Australia and Portugal], the Territory of East Timor remains a non-self-governing Territory and its people has the right to self-determination. Moreover, the General Assembly, which reserves to itself the right to determine the territories which have to be regarded as non-self-governing for the purposes of the application of Chapter XI of the Charter, has treated East Timor as such a territory. The competent subsidiary organs of the General Assembly have continued to treat East Timor as such to this day. Furthermore, the Security Council, in its resolution 384 (1975) and 389 (1976), has expressly called for respect for 'the territorial integrity of East Timor, as well as the inalienable right of its people to self-determination in accordance with General Assembly resolution 1514 (XV)'".

Mr. Swiridjaja (Indonesia): It is not the intention of the Indonesian delegation to "colour" the discussions in this Committee by encouraging a polemic.

It is a matter of principle for us to record the political status of East Timor, our position on which is clear.

The historical background of the so-called administering Power of East Timor has already been stated by the Indonesian delegation. Regarding the so-called Non-Self-Governing Territories, a representative of and the leader of the local Parliament of East Timor, as well as its Governor, made a statement recently before the European Parliament in Brussels. And just yesterday, the Committee heard an East Timorese petitioner who is the Regent of Dili, capital of East Timor. So, having listened to all those East Timorese speakers, it is difficult to avoid the reality: that the East Timorese prefer the Government that is already in East Timor.

The Chairman: As there are no other speakers, may I take it that the Committee decides to continue consideration of this item at its next session, subject to any directives which the General Assembly might give in that connection at its fiftieth session.

It was so decided.

The Chairman: The Committee has thus concluded its consideration of this item.

Question of the Falkland Islands (Malvinas) (A/AC.109/2027 and Corr.1 and A/AC.109/L.1830)

The Chairman: I wish to inform members of the Committee that the delegation of Argentina has expressed its desire to participate in the Special Committee's consideration of the item. In accordance with established practice, and if I hear no objection, I shall invite the delegation of Argentina to take a place at the Committee table.

At the invitation of the Chairman, Mr. Guido Di Tella, Minister for Foreign Affairs of Argentina, and members of his delegation took a place at the Committee table.

Hearing of petitioners

The Chairman: In accordance with the requests for hearing granted at the 1442nd meeting, I now invite Mr. Eric Goss and Mrs. Norma Edwards of the Legislative Council of the Falkland Islands to take places at the Committee table.

At the invitation of the Chairman, Mr. Eric Goss and Mrs. Norma Edwards (Legislative Council of the Falkland Islands (Malvinas)), took places at the Committee table.

The Chairman: I call on Mr. Goss.

Mr. Goss (Legislative Council of the Falkland Islands (Malvinas)): Thank you, Mr. Chairman, for giving me the opportunity to address the Special Committee and to speak on the draft resolution before it. It is my privilege and honour to be here today to present the case of the people I represent in the Falkland Islands. This, like the statements and facts presented to the Special Committee by my predecessors over the years, will have, by the very nature of the subject, a repetitive ring.

Let me begin by telling the Committee something about myself. My name is Eric Miller Goss. I was born in Stanley on 20 February 1941. My great-grandfather, Jacob Napoleon Goss, arrived in the Falkland Islands on 10 April 1842 in the brig *Alarm*, a small ship of 220 tons. Records show that one of his first jobs was Gaoler for the Government.

He bought some land on the foreshores of Stanley and, using his skills as a stonemason, built Marmont Row — a long structure, divided up into units to accommodate his children's families in separate quarters, with a public bar on the east end. This pub was probably the first in the Islands. It was named the Eagle Inn, in honour of the spread-winged goshawk on the family crest displayed above the entrance. This fine building still stands today, serving as one of the main hotels in Stanley, and can be recognized as the Upland Goose Hotel.

I am a fourth-generation islander, although 99 years passed between Jacob's landing on the Falkland Islands and my birth. In September 1964 I married Shirley Smith, who is also a fourth-generation islander. Our paternal great-, great-grandfathers were both born in London. We have two sons. Both are married to local girls. My elder son is the proud father of our grand-daughter, Imogen Joy, who is a sixth-generation islander. My commitment to speak in defence of the rights of my family and our forebears and descendants is of the utmost importance to me.

Having shown how deep my roots are, I will move on to tell the Committee about my working and political career. I am employed as a sheep farm manager, on a farm of 283,000 acres carrying more than 75,000 New Zealand Romney crossbred sheep. This farm is just under half the size of Luxembourg — 442 square miles, as compared to Luxembourg's 1,000 square miles. It is twice the size of the Isle of Man, which is 221 square miles. My experience in this type of farm management stretches across a third of a century.

My first entry into local politics was in April 1986, when I won a seat in Council in a by-election in the Camp constituency. I served for three years. I stood in the next election but was unsuccessful. My present term began in October 1993, when I won the second seat in the Camp constituency. I was elected to serve my first year in office on the Executive Council.

I am here today to try to win the Committee's favour and to ask members to look closely at the rationale of decolonization, to assess whether such a broad concept should be applied to all people who, through no choice of their own, find themselves in the situation that is before the Committee, which sits to decide what is best for the future of such a small community as the population of the Falkland Islands.

The matter before the Committee is not a question of the balance of the opinions expressed in the two countries concerned, or the size of their populations. It is a matter of principle. The predominant factor in this equation is our inalienable right to self-determination, as written into the United Nations Charter and the Constitution of the Falkland Islands.

This year, in October, the United Nations will celebrate the fiftieth anniversary of its inauguration. Over the years it has become a well-respected Organization helping to keep the peace all over the world. I came here today almost like the Charles Dickens character Oliver Twist, with begging bowl in hand, hoping to receive a crust of justice — that the Committee will permit me and my fellow-countrymen to live as we wish, to follow a way of life of our choice, under a flag of our liking.

I come before the Committee with an approach slightly different from that of some of my colleagues from my island home who have preceded me. It is not my intention to use this opportunity to denigrate our geographically nearest neighbour, although I will, of course, remind the Committee of the uncivilized invasion of my island home by the Argentine armed forces back in April 1982.

At that time I was farm manager at Goose Green, a small settlement now well documented in our history. At a recent service of thanksgiving for our liberation it was noted that over the 13 years since, 14 of the 114 civilians who had been incarcerated in the community hall have died. I suggest that the younger ones are victims of stress-related trauma as a result of that invasion. There may be good medical reasons to negate this statement, but I am unaware of any.

I should like to continue with a little background history about my island home. The Falkland Islands were first discovered in 1592 by Captain John Davis in his ship *Desire*, and the colony coat of arms reflects the name of his ship in the motto "Desire the Right". We who live in the Falkland Islands desire the right to self-determination as a fundamental part of our constitution.

Another English navigator, Captain John Strong, landed from his ship *Welfare* on 26 and again on 29 January 1690. He named the water he entered Falkland Sound, after Lord Falkland, the Treasurer of the Navy. On 23 January 1765 Captain John McBride named the whole group of islands the Falkland Islands. He established the first real settlement on Saunders Island. Unbeknown to him, a Frenchman, Antoine Louis de Bougainville, was at the same time setting up camp in Port Louis.

Over the next 67 years many nationalities landed on the Islands in pursuit of oil from seals and penguins. This period of our history is shrouded in mystery and myth. But records show that in January 1831 a mixed collection of nationals living at Port Louis, including the cosmopolitan American/German entrepreneur Louis Vernet, was evicted by Captain Silas Duncan of the United States ship *Lexington*.

The second attempt by the British to colonize was made on 3 January 1833 - in a country with no indigenous population. I salute the pioneers who carved an existence in such a harsh environment.

With your leave, Mr. Chairman, I should now like to refer to the Falkland Islands Constitution Order 1985. Paragraph (1) of Article 2 — the interpretation article — says: "'the Falkland Islands' means the colony of the Falkland Islands".

Chapter I of the Constitution — Schedule 1 to the Order — which is entitled "Protection of Fundamental Rights and Freedoms of the Individual", begins:

> "Whereas all peoples have the right of self-determination and by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development and may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit and international law;
>
> "And whereas the realization of the right of self-determination must be promoted and respected in conformity with the provisions of the Charter of the United Nations".

The latter provision leaves me in no doubt that this Committee should modify the draft resolution before it to meet the desires and aspirations of the people who live in different Territories. I do not see how a rigid policy on decolonization can be applied across the board to suit every situation. I think a deeper study is required — in particular, of the Falkland Islands.

I must emphasize that we do not seek independence, as might have been wrongly suggested to this Committee as far back as 1987. We are more than content to be accepted in this universally acclaimed forum as a dependent Territory, living and earning our way in the world as we wish under the Union Jack flag.

I should say a word here about independence. After all, the full title of this Committee is Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Now, I think it is fair to say that nobody on the Falkland Islands wants independence at present. We are, after all, under threat from a large and powerful neighbour. There is no way we can defend ourselves without the help of the British forces, which liberated us in 1982 and are still there to protect us.

Most of us are very content with the status quo. We have no desire to change anything on the Falkland Islands. We just wish that our neighbours would allow us to live in peace and not try to determine our future for us or deprive us of our natural resources.

There are some people who see independence as an option — something that we could be working towards in the very long term — but all of us agree that until Argentina drops its pseudo-claim to the islands, that option is effectively ruled out. Independence without security is of no use to anyone. How welcome it would be if this Committee could persuade Argentina that it is in everyone's interests — Argentina's as well as ours — that this archaic claim, which tells us more about Argentina's problems of identity and self-image than about its right to take over our land, should be dropped so that we can live in peace with our largest neighbour, just as we live and trade perfectly peaceably with our other neighbours, Chile and Uruguay.

I call on the United Nations to hear me and to recognize my right to choose the way of life I desire under the Government of my choice. I speak as an elected Member of the Legislative Council — elected by the people to speak for the people of the Falkland Islands.

I further call on all the members of this Committee, assembled to address the issue of decolonization, to accept that the people of the Falkland Islands have no wish to be separated from the United Kingdom, Great Britain. If we are content to live today as we began in 1833, I look to this Committee to let us continue living in a style that suits our identity, and one that we have chosen.

It has been suggested that the solution might lie in offering a substantial sum of money to the islanders to buy off our sovereignty. I do not understand what the formula is for the value of the Argentine birthright, but I do know that mine is priceless. By selling, I would be betraying my mother, who regards me as a priceless treasure. I cannot begin to calculate a value for my birthright. And I was not elected to negotiate away my constituents' birthright.

We are happy to see the evolution of democracy taking shape in Argentina, but it is just over four years old. I see it as an indication of maturity coming to a nation that absorbed so many displaced persons after the Second World War who, in the passage of time, could have a voice in the thinking of their new homeland.

The good book says:

"love thy neighbour as thyself." *(The Holy Bible, Gospel according to St. Matthew 19:19)*

but before we begin, Argentina must respect our right to exist as neighbours.

Mr. Chairman, I want you to go home tonight and think about what "that petitioner" from the Falkland Islands was talking about. I want you to think about a few people, in world dimensions, who also have rights under the United Nations Charter.

The Chairman: I call on Mrs. Edwards.

Mrs. Edwards (Legislative Council of the Falkland Islands (Malvinas)): Thank you, Mr Chairman, for allowing me, on behalf of the people of the Falkland Islands, to petition the Special Committee.

My name is Norma Edwards and I am a member of both the Executive Council and the Legislative Council of the Falkland Islands. I have served as a member of the Falkland Islands Government since 1985, with a break of 18 months during my first term of office, when I resigned from Council because I changed constituencies.

I am a fifth-generation Falkland Islander married to a retired naval officer. My husband and I own a sheep farm on West Falkland, and we have two daughters. The elder recently graduated from university as a geologist, and the younger is about to start university, reading medicine. Both my daughters hope to pursue their careers in the Falkland Islands, as, indeed, do the majority of our young people now. They see the Falklands as a place of opportunity with an exciting future — unlike the majority of young people of my generation who, in the 1960s and 1970s, left because of the Argentine threat to the continuance of British sovereignty.

Of course, that came to a head in 1982 with the invasion of the Islands by Argentina and its defeat by the British task force. Since that time we have cleared up the mess of war, apart from the minefields, and renewed the infrastructure and housing that were destroyed or damaged by the conflict.

Today the capital, Stanley, is a neat, well-cared-for little town with an expanding private sector. Outside Stanley the large farms owned by absentee landlords are no more. They have been subdivided and are owner-occupied and owner-worked. Like the rest of the wool-producing countries, we have suffered the depression in the wool industry since 1991, but the Falkland Islands Government has supported the farms through this slump by way of subsidies. However, we are now free of subsidies and are again self-supporting. We are hopeful that wool prices will continue to rise and farms will continue to prosper.

This is the second time I have attended the Committee, and I find it an enigma that each year we have to ask permission to petition against the draft resolution before the Committee. The sponsors of this draft resolution assert that it is a balanced text. It is difficult to see where the balance lies. The draft resolution refers only to the "interests" of the islanders. What about our wishes?

There is a reference to President Menem's statement to the General Assembly at its forty-ninth session, but not a word about the fact that at the very same session the British Foreign Secretary firmly refuted the Argentine claim to the Islands and stated that the British Government was quite clear about Britain's sovereignty over the Falkland Islands and the other British dependencies in the South Atlantic.

And, most important, I note that this is the only draft resolution before the Committee that does not mention the right to self-determination. The right to self-determination of all peoples, regardless of how big or how small their country and their population, is one of the cornerstones of the Charter of the United Nations, yet here we are, year after year in this prestigious building at meetings discussing the decolonization of countries, talking about Argentina's demand to take over the colonization of the Falkland Islands.

I found the position even more puzzling when, in April of this year we received from the Argentine Foreign Minister, Mr. Guido Di Tella, greetings to all in the Falkland Islands on the occasion of "your beloved Queen's birthday". Surely that is an admission of British sovereignty over the Islands and a recognition of where our loyalty lies. One would have thought so, but in almost the next breath Mr. Di Tella is offering each Falkland Islander a large sum of money to give up his or her sovereignty! I am afraid we are not about to sell either our sovereignty or our birthright, and have no desire to have either condominium, lease-back or any other form of government that would involve Argentina.

The islands were discovered by the British in the sixteenth century, claimed for the British in the eighteenth century — when there was also a small British garrison set up for a few years on one of the Islands, and a French settlement on the main East Island — and colonized by the British in the nineteenth century. There was no indigenous population, and the only time South American citizens were living in the islands was in the early part of the nineteenth century, before Argentina had become a Republic.

Argentines were never ousted from the Islands by the British during the last century. The only time Argentines have been removed forcibly from the Islands was by the British task force in 1982. The people of the Falkland Islands have no wish to become a colony of Argentina.

I am told that Argentina is one of the most beautiful countries in the world. It is certainly one of the biggest. Rich in minerals and pasture land, it should also be one of the wealthiest countries, but until 1982 Argentina suffered years and years of bad government. Now the Argentines enjoy democracy, and as a democratic country they should recognize the rights of other democracies. The Falklands have enjoyed a representative Government for over 150 years. Our Legislative Council was established in 1845. We are self-governing apart from foreign policy and defence, where we consult with the United Kingdom.

Apart from defence costs, which are provided by the United Kingdom, we are financially self-sufficient. Our children are well educated and our people are provided with excellent health care. We have no national debt and have some money in reserves. Our standard of living is good and we have virtually no unemployment.

It would be wonderful if we could live next door to our enormous neighbour without its constantly threatening us with the eventual takeover of our homeland. Argentina must understand that we do not look upon Britain as an oppressive colonial Power, but as a benevolent motherland ready to let us stand on our own two feet and decide our own future, but also ready to give advice and help if we require it.

We have been accused lately of making it difficult and not allowing Argentines to visit their loved ones killed in the 1982 war. Let me make it quite clear: Argentine relatives have visited their war dead in the past and I cannot see any of us refusing relatives that right in the future. We have offered to repatriate all the Argentine dead to their homeland at our own expense in order to make it easier for relatives to visit the graves of their loved ones. This has always been refused by the Argentine Government. However, the graveyard at Darwin is well cared for, unlike the graveyard at my home, Fox Bay which, since 1982, has been in a minefield, so we can no longer tend the graves or visit the remains of our loved ones buried there.

Argentina has said it will fund the clearing of the minefields in the Falklands and at present we are in touch with people in the United States in the hope that we may pursue this possibility. However, having watched the British Army Bomb Disposal Unit painstakingly clear 150 yards of land 2 yards wide to allow us safely to reach the spring on our farm from which we pump water to the farm settlement, I doubt very much that the minefields will be safely cleared in the Falkland Islands in my lifetime. Those 300 square yards took three weeks' hard work to clear, and we have hundreds and hundreds of acres of minefields in the Falkland Islands. But we are of course extremely grateful for the Argentine offer.

Later this year we will open our first oil-licensing round. We are hopeful that there may be hydrocarbons on our continental shelf. Argentina has threatened to do all it can to discourage oil companies in our waters. At the Special Committee's recent Seminar in Trinidad and Tobago, to which a fellow Councillor and I were kindly invited, the Argentine observer who also attended denied

that this was the case and claimed that Argentina and Britain had recently reached agreement on the question of possible hydrocarbons. It is my understanding that talks between Britain and Argentina have recently been held, but to my knowledge no agreements have yet been reached.

It is high time that this Committee advised Argentina to face the realities of the times we live in. The Falkland Islanders are happy to be British citizens in the Falkland Islands. Since 1982, the British Government has constantly told Argentina that our sovereignty is not negotiable. It would be right and proper for this Committee to uphold the advice which the United Nations lays down in its Charter and to vote against this draft resolution, thereby upholding the rights of Falkland Islanders to self-determination to which we, along with the rest of the world, are entitled.

May I take this opportunity to thank you, Sir, and the Special Committee for allowing us to take part in the seminar in Trinidad and Tobago and for listening to us put our case to you today.

Mr. Goss and Mrs. Edwards withdrew.

At the invitation of the Chairman, Mr. Ricardo Patterson took a place at the petitioners' table.

The Chairman: I call on Mr. Patterson.

Mr. Patterson (*interpretation from Spanish*): Firstly, I wish to thank you, Sir, for the opportunity to petition this prestigious international forum on the need for the United Nations to end the stagnant colonial situation affecting the Malvinas Islands.

My great-grandparents were born in the Malvinas and, in 1890, moved across to the Argentine mainland, engaging in farming in Puerto San Julian, in the province of Santa Cruz. They established several sheep farms that continue to operate today. Currently, I am the people's representative of the province of Santa Cruz to the National Congress. I wish to reaffirm Argentine society's desire for global integration and its unquestionable tradition of respect for the life styles, cultures and other values of all its inhabitants.

At various times throughout the years, we have believed that the solution to the issue now before the Special Committee was at hand. In this connection, we would point first and foremost to General Assembly resolution 2065 (XX), which in 1965 recognized the existence of a sovereignty dispute over the Malvinas, urging both sides to resolve the problem. From that moment there has been progress in the successive resolutions favourable to the Argentine position, forming a veritable body of doctrine that accords with our interests. Nevertheless, there has been no progress in resolving the issue before us today, which is a status quo of real injustice to my country.

The British Government has made it clear that its reluctance to comply with the resolutions on the Malvinas Islands is inspired by its obligation to respect the wishes of the inhabitants of the archipelago. I would recall that the Malvinas question constitutes a very special and particular case of decolonization that cannot be equated with the situations of other Non-Self-Governing Territories.

The implementation of the principle of self-determination does not apply to the Malvinas. The only acceptable basis for the decolonization of the Malvinas Islands is established by resolution 1514 (XV) and the fundamental principles of the Charter, which establishes the right of States to territorial integrity. Any other approach would serve to legitimize an unacceptable seizure by force and thus perpetuate colonialism.

We believe it is necessary, indeed indispensable, for the Argentine Republic and the United Kingdom to create the conditions for the resumption of bilateral negotiations on the sovereignty dispute, reconciling interests and goals that are shared with those that are not.

Obviously, when the islanders seek respect for their wishes and not only for their interests, they are expressing a position that conflicts not only with the Argentine position, but also with the vote taken in the General Assembly on 27 November 1985, which rejected the British proposal to proclaim the right of the islanders to self-determination.

It would be unacceptable for these two countries to resolve the sovereignty dispute without taking into account the well-being, traditions and cultural identity of those who live in the Territory in question. It would likewise be unacceptable for our country to accept self-determination for those who are among the British people artificially settled on Argentine territory.

Undoubtedly, the actions of the United Kingdom reflect a lack of will to make progress towards solving this dispute; its position is based on the current situation among the Islanders. In this connection, we deny the tale

put about in the British media that a change of sovereignty would mean that the present inhabitants would become Argentines. This is totally untrue. Nobody will oblige them involuntarily to change their nationality, although such a change would be facilitated for those who wished it. Only those subsequently born in Malvinas territory would be Argentines. This is proved by the large community of British descent that resides in Argentine territory while retaining their original nationality; many of them are the owners of large agricultural and industrial businesses and are never subjected to questions about their status.

At the same time, we must recall that the islanders have been accorded United Kingdom citizenship only since 1983.

Another erroneous interpretation by Great Britain would have it that the legal and historical arguments put forward by Argentina are nullified by the fact that some families have been established in the Malvinas for generations. There is no need for me to draw attention to the dangerous precedent of accepting that the passage of time can establish rights for a Power occupying foreign territory, installing its subjects there after the local population has been removed by armed force.

We regret the flat refusal of the Islands Councillors to establish any kind of contact with our Government. This makes it extremely difficult to move towards the full cooperation that is vital in an area of the South Atlantic that has a growth potential superior to that of any other part of the region. These difficulties increase when the United Kingdom takes actions that are contrary to the will of the international community as expressed in numerous resolutions, for example by taking obstructionist measures such as the 1993 extension of the exclusive fishing zone in the area of the South Georgia and South Sandwich Islands, and its recent extension of that area to more than 1,400 square kilometres around the Malvinas Islands.

In this connection, Great Britain is in breach of United Nations resolutions by granting licenses for prospecting for hydrocarbon deposits in maritime areas close to the disputed Islands. Of course, our country has rejected all these measures as serious diplomatic errors, and has notified the entire international community of its dissent in writing.

In our country we have taken an entirely different attitude; we have reformed the national Constitution, and have incorporated a new clause on the Malvinas Islands ratifying our legitimate sovereignty over them, and declaring that their recovery will be achieved with respect for the way of life of the inhabitants.

I am in no doubt of how beneficial, just and reasonable it would be for both parties if the United Kingdom revised its rigid position; this would be in the interests of both countries, and in the interests of the international community as a whole. For everyone's sake, we must achieve an acceptable agreement on this protracted dispute by means of negotiations between the Argentine Republic and the United Kingdom.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Alexander Betts took a place at the petitioners' table.

The Chairman: I call on Mr. Betts.

Mr. Betts: To begin with, I thank you, Mr. Chairman, for giving me the opportunity to address the Special Committee as it considers the draft resolution before it. Although I have spoken here on previous occasions, I will very briefly give some background detail about myself. My name is Alexander Jacob Betts, and I was born in the Malvinas in 1947, receiving my primary education in the colony. I lived there until the end of June 1982. My great-grandparents settled in the islands in 1854 and my two-year-old granddaughter represents the sixth generation of our family to be born in the Islands.

I crossed over to the Argentine mainland shortly after the end of the armed conflict of 1982, and since then have settled down in the province of Cordoba, the geographical centre of Argentina. I live in a town very similar in size to Port Stanley, and during these last 13 years I have completed my secondary education and have taken university studies. From 1987 until March of this year I carried out the duties of General Executive Secretary to the Mayor of the town of Agua de Oro, being responsible for the financial, public works, tourism, social and sports areas of the local government.

In the recent national general elections of last May, a political party nominated me as its candidate for the post of Provincial Lieutenant-Governor. Because of the colonial structure of the islands Government, resident Islanders are directly excluded from a nomination of this kind.

In 1976, six years before leaving the Islands to settle on the continent, I began an in-depth research of the sovereignty issue concerning the Territory. To do this, I referred to works and essays written by United States, French, Spanish, English and Argentine historians and, as a result, I have formed an opinion on this subject that is probably different in many ways from that of the petitioners from the colony who are here today.

Because of this, I want to make some comments on this issue that I hope will be a positive contribution to the deliberations of this Committee on this question that is so dear to Islanders' sentiments. Looking back on the lifestyle, general well-being and quality and quantity of the local services available to the Island community up until 1983 and comparing them with what I know about today's situation in the colony, undoubtedly it is true to say that over these last six or seven years a good deal of progress has been accomplished. This is extremely pleasing to me and it is even more comforting to hear petitioners from the Islands speaking about their future, actually taking an genuine interest in their future, and planning even further progress. This is surprising because until a very short time ago such an attitude was impossible to find among the Islanders.

But making plans for further investment and for accelerating development in the colony first requires settling any ongoing dispute that may exist and that might cloud these plans. And in this case we do indeed have an ongoing dispute; to be precise, a sovereignty dispute. Just recently, citizens of most of Argentina's major cities were able to hear at first hand the opinion of two Islanders who were conducting a public relations tour in Argentina and who made brief references to this subject. As far as the sovereignty issue is concerned, they spoke in unison, reciting that

> "We are Islanders and British and we are not interested in any proposal from Argentina that is not preceded by a resignation of its claim to sovereignty".

They also made it clear that, in their view, debatable historical questions should not be considered as having priority over their right to self-determination.

Their message was an inflexible monologue; they refused to accept under any circumstances the possibility of a reciprocal exchange of each side's differing interpretations of the central issue of sovereignty. To their way of thinking, it is a foregone conclusion; their rights are unquestionable. *Vanitas vanitatum*: vanity of vanities. These attitudes do not reflect the readiness that this British colony must have to work out special and creative arrangements to resolve the problem, arrangements which adequately take into account the interests of the inhabitants and at the same time permit cooperation between the Argentine continental territory and the Islands. This lack of contact is anachronistic and is inconsistent with the atmosphere of good will that prevails in the relations between Argentina and Great Britain.

The process whereby world opinion has successfully insisted that the colonial Powers give up their overseas possessions must be reckoned as both reasonable and irreversible, and its completion as inevitable. For Britain, this means the Malvinas, as to which there is a proper basis for conceding Argentina's historic claim to sovereignty. Nevertheless, in current hard-line Island rhetoric, the object is to confuse the primary dispute, replacing it with abstract definitions of the problem under consideration. The fundamental principles of international law are ignored. There is a total disregard for the systematic discussion of the relationship between the right to self-determination and the principle of territorial integrity.

It is well known that the illegality of a situation born of the use of force cannot be rectified on the basis of the right to self-determination. That right, as applied to the particular legal and factual circumstances which surround the Malvinas issue, does not operate to set aside the rights of Argentina as the legitimate territorial sovereign. Why, then, the hardening of the position of the Islanders? What underlying interests encourage this change of attitude? I believe that the answer to this is really quite simple; the maintenance of the status quo is economically beneficial to a select group of the Islands' population.

From the foregoing, it is clear that from the Islands spokesmen's point of view this question can be resolved only by employing unyielding and unilateral terms. However, no resolution of the Malvinas question can be reached through intransigence. To arrive at a less emotional analysis of the situation requires dialogue, a frank exchange of opinion — something which the ruling minority of the colony emphatically rejects. This is not surprising, because a document published by a subcommittee of the Islands' Legislative Council classifies the central issue of Argentina's claim as irrelevant, on the grounds that the claim rests on its inheritance of the rights which Spain abandoned when it withdrew its settlement from East Falkland in 1811. It

further reasons that the Spanish rights derive from the Papal grants of 1493 and 1494, by which Spain claimed dominion over all of South America with the exception of those areas occupied by Portugal.

With all due respect, I must differ with my fellow-Islanders' views on this matter. Any intelligent person convinced of the prudence of using maturity in dealing with this issue will realize that one has to study and compare all the aspects and arguments put forward by both sides. Having done this, one quickly comes to the conclusion that Argentina's claim is neither as ridiculous, nor as spurious, nor as fragile as my fellow-Islanders would like us to believe.

As it happens, the Malvinas are unquestionably Argentine, legally, historically and politically; yet the Islands continue to be held by Britain in a colonial relationship. The evidence in support of the Argentine claims to sovereignty is overwhelming. These claims are based on the internationally accepted principle of State succession, reinforced by the fact that the Argentine Government took possession of the Malvinas in 1820, maintained its control over them and appointed governors in the Territory.

To be coherent in our arguments it is necessary to take a brief glimpse at the historical events leading up to the eruption of this dispute. Since 1764 there have been successive French, English, Spanish and Argentine colonizations of the Islands. In the first case, France internationally recognized Spain's precedence in its dominion over the Territory and decided to hand over the Port Louis settlement to Spain and withdraw from the archipelago in 1767. In 1769, the Spanish discovered an English fort on Saunders Island and forced its evacuation. The British troops returned in 1771 but His Majesty's Government voluntarily chose to withdraw them once more in 1774. Their reappearance in the Islands took place 60 years later. Between 1774 and 1811 Spain was the sole occupying Power of the archipelago, where 20 of its governors exercised continuous and unchallenged title.

Formal Argentine occupation of the colony took place on 6 November 1820, when the Government of the United Provinces, anxious to secure all parts of its territory, sent a frigate to take possession of the archipelago. The act of taking possession may be properly regarded as an administrative act of own jurisdiction within the national territory, by which the exercise of sovereignty over Malvinas was reassumed. This act was given international press coverage in the United States, Spain and England. Nobody objected to the rights assumed by the new State later to be known as the Argentine Republic and, in 1823, the Governor of Buenos Aires signed a franchise grant which ceded commercial rights in the Territory to promote its colonization.

On 10 June 1829 the Governor of Buenos Aires named a Political and Military Governor of Malvinas, who succeeded in establishing a permanent settlement in the Territory. This settlement flourished until it was abruptly and forcefully brought to an end on 3 January 1833, when Captain Onslow, acting in the name of His Majesty's Government of Great Britain, expelled the Argentine settlers from the Islands. From 1833 to the present, Argentina has formally and continuously protested this illegal seizure of the Islands.

I must emphasize that the possessory Argentine actions referred to above were carried out from 1820 onwards. The United Kingdom recognized the United Provinces as a sovereign State, and in 1825 both countries signed a Treaty of Peace and Friendship, without any protest or reference to the Islands on the part of the British.

This brings me to a brief examination of British claims and of existing British documents that undermine such claims. Britain has frequently asserted that the islands were unoccupied at the time of the seizure. However, British records themselves refute such assertions.

Lord Palmerston stated flatly in 1834 that the British rights to take over were based on "original discovery and the subsequent effective occupation" in reference to the Port Egmont settlement more than half a century earlier. Yet, bearing in mind the memoranda of 1910, 1928 and 1946, British Foreign Office notes of 1982 say that the British claim to first discovery is "obscure and uncertain" and go on to insist that this "has never of itself formed the basis for our claim to sovereignty over the Islands". The then British Prime Minister, the Duke of Wellington, wrote in June 1829, "It is not at all clear to me that we have ever possessed the sovereignty of these Islands".

Once the weakness of claims of discovery and occupation prior to 1833 had been pointed out, new bases for the British claims had to be brought forward. With this in mind, Foreign Secretary Francis Pym suggested in 1982 that British sovereignty rested not on discovery and occupation, but on prescription and the principle of self-determination. To acquire title under the principle of

prescription, a nation effectively occupies a Territory over a period of time. But the occupation must be uncontested. British sources from 1833 to the present day acknowledge Argentine protests of British seizure and occupation. Therefore, it is British records themselves that destroy the case for acquisitive prescription.

With all the foregoing in mind, the historical evidence available in Great Britain proves that Argentina's succession to the sovereignty claim is solidly substantiated.

The Islanders, incited by Britain, have become the champions of the cause of self-determination which, in their opinion, must precede any decolonization process that this Committee or the General Assembly may support or recommend. The Islanders' representatives do not even consider General Assembly resolutions 1514 (XV), 2065 (XX) and 3160 (XXVIII). Nevertheless, it is these resolutions that provide the technical and legal conditions that provide the framework of discussions and future negotiations on this issue within the United Nations context. By majority vote, the General Assembly approved its resolutions 2065 (XX) and 3160 (XXVIII) which explicitly declare the Malvinas question to be "a colonial situation" (*resolution 3160 (XXVIII), fifth preambular paragraph*), thus implying the need for decolonization through negotiations that should proceed "bearing in mind the ... interests of the population" (*ibid., third preambular paragraph*). No mention was made of the right to self-determination in those resolutions. It is important to recall at this point that the United Kingdom proposed amendments to draft resolution A/40/L.19 in November 1985. Both amendments made direct references to the right to self-determination, but each was rejected by the General Assembly.

Imagine the even greater chaos that would reign in the international community today if all a nation had to do to legitimize its seizure of land from another was to drive off the inhabitants of the first nation, bring in its own colonists, and then claim for them the right to self-determination. It is obvious that the islanders and the British Government are invoking self-determination, not as a basis for the legality of Britain's title to the Malvinas, but rather as a political argument for permitting the Islands to remain under British rule in the future.

It is equally important to recall that the Islanders insistently point out that they are not seeking independence, nor do they wish to deprive themselves of their strong colonial ties to Great Britain. The very forcefulness of their assertions is impressive. At the same time, these declarations eliminate any possibility of self-determination.

These are just a few of the great variety of opinions that surround this subject. My purpose in mentioning them is simply to show that the issue of self-determination is much more controversial than it appears to be at first sight.

Without doubt, the Malvinas question is a complex situation that has many facets. In the limited time available to us to address this Committee it would be virtually impossible to attempt to cover all the aspects involved in this issue, so I shall conclude my intervention with the following reflections. Past British arguments of first discovery, first settlement, acquisitive prescription, and continuous and effective occupation have all been overshadowed by the present and future situation in the islands: a present obtained by the violation of nearly all the United Nations resolutions surrounding this dispute; a future full of promise to the island community; a future that demands that the status quo remain unchanged; a future that does not take into account a recognition of the past.

But the past, both distant and recent, is the very reason for the draft resolution before this Committee today and for our presence here as petitioners. It is logical therefore to presume that evidence from the past is an important factor of the Malvinas question. The Islanders' representatives express their desire to continue developing their future in peace and without interference from Argentina, saying that that country should accept categorically that it has no valid or substantiated case for sovereignty over the Islands. However, a quick reading of the House of Commons debate last March on the Falkland Islands indicates that several members of the British Parliament believe that Argentina is an essential part of the immediate future of the Islands.

The comments of one Member are as follows:

> "Discussions and negotiations must be held with Argentina. The Falkland Islanders recognize their geographical location and their need for economic and political relations with their neighbours. The Islanders need to talk to Argentina about fish stocks, conservation, possible oil explorations and economic cooperation in the region".

Another Member said that

> "They [the Islanders] should do nothing to irritate the good relations between Britain and Argentina. Any rhetoric from the Falklanders against Argentina, although understandable because of the wounds of the conflict so few years ago, is extremely unhelpful. It is far better that we gradually rekindle relations between Argentina and the Falkland Islands".

And yet another said,

> "Fishing and oil cannot develop properly in that region without Argentine-Falkland Island cooperation. That is where Argentina, with its long coastline, its industry and so on could be of assistance. We want working together, cooperation and the gradual healing of wounds. That way lies the future prosperity of that important region".

To conclude, I repeat the words of the Chairman of the Falkland Islands group of the Commonwealth Parliamentary Association, who said,

> "I shall concentrate my remarks on future relations between the Islands and the Argentine Republic. I do so because I believe that good relations with Argentina are important to the future of the people of that country, as well as to the Islanders".

It is more than obvious that there is a great deal of ambiguity and difference between Parliamentary thinking and the opinions of the Falkland Islands Legislative Councillors, one of whom has even gone so far as to accuse Argentina of coveting the Islands. I respectfully suggest that Argentina's claim will not just fade into oblivion, as some Islanders hope it will. Rather than coveting the Islands, all Argentina asks is that justice be done for an act of unjustifiable aggression committed on its national territory. An act of force perpetrated by the British in 1833 was typical of its kind in building the British Empire, but it does not alter the pre-existing legal rights of the *de jure* sovereignty of Argentina.

Islanders would do well to bear in mind another biblical passage that reads:

> "Blessed are those which do hunger and thirst after righteousness: for they shall be filled." (*Matthew 5:6*)

If we think about the Middle East and consider the difficulties in the historic negotiations over an agreement between Syria and Israel, and if we forget for a moment about Bosnia, we can be optimistic about the Malvinas issue. I have no doubt that this dispute will be resolved through mutual and respectful dialogue, a dialogue that considers the Malvinas sovereignty dispute in its correct context, with due thoroughness and open-mindedness.

No one will question the right of the Islanders to choose to remain British subjects if this is what they prefer. For that reason, I have no doubt that common sense will prevail and the inhabitants of the Malvinas will agree that these negotiations should commence as soon as possible.

The petitioner withdrew.

The Chairman: I call on the representative of Venezuela to introduce draft resolution A/AC.109/L.1830.

Mr. Rojas (Venezuela) (*interpretation from Spanish*): Venezuela is honoured to be a sponsor, together with Chile and Cuba, of the draft resolution contained in document A/AC.109/L.1830. Through our support we reaffirm our unswerving commitment to the cause of decolonization and are helping to create an atmosphere conducive to the settlement of a dispute between two countries with which we have excellent relations: the Argentine Republic and United Kingdom of Great Britain and Northern Ireland.

Venezuela also reiterates its conviction that the only way to put an end to the special colonial situation of the Malvinas Islands is through a peaceful, negotiated solution. In this respect, we are eager to see the prompt implementation of resolution 2065 (XX), especially as it relates to the relaunching of negotiations between Argentina and the United Kingdom.

We welcome Argentina's positive attitude, as expressed by its Minister of Foreign Affairs last year at meetings of this Committee. Although he reiterated the sovereign rights of his country over the Malvinas Islands, he also declared his Government's determination to ensure full respect for the way of life that has developed in the Islands and to establish direct links between the Argentine Republic and the inhabitants of the Islands.

In this conviction, and in light of the fact that the current draft resolution does not substantially change the resolution adopted last year, it is our hope that, in the best interests of all parties, it will be adopted in its current form by all members of the Committee.

The Chairman: I call on His Excellency Mr. Guido Di Tella, the Minister for Foreign Affairs of Argentina.

Mr. Di Tella (Argentina) (*interpretation from Spanish*): I wish at the outset to congratulate you, Sir, on your chairmanship of this Committee, which attests to your country's commitment to the decolonization process. I wish equally to commend the staff of the Secretariat and the other members of the Bureau for the devotion and energy which they bring to their important work.

I wish also to recognize the presence of Mrs. Edwards, Mr. Goss, Mr. Patterson and Mr. Betts.

It is not my intention today to rehash historical and legal arguments with which this Committee is only too familiar. The grounds on which Argentina bases its rights have been specified time and time again and have received the support of the international community through the General Assembly.

In its resolutions 2065 (XX), 3160 (XXVIII), 37/9 and others, the General Assembly recognized the existence of a sovereignty dispute between Argentina and the United Kingdom, and determined that it should be resolved through negotiations between the parties, taking due account of the interests of the population of the Islands. This Committee and the Assembly have repeatedly called on both countries to relaunch negotiations on the question of sovereignty and have affirmed that such a peaceful solution to the dispute is the way to decolonize the Malvinas Islands.

In their pronouncements, the Committee and the General Assembly have stated that the Malvinas question is a special and particular case that should be resolved in accordance with the purposes and principles of the United Nations Charter, which include negotiations between the parties, and of resolution 1514 (XV). Operative paragraph 6 of that resolution states that:

> "Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations." (*resolution 1514 (XV)*)

The right to self-determination does not apply to the inhabitants of the Islands, as the General Assembly reaffirmed in its voting on 27 November 1985. To assert otherwise would be to recognize the validity of an originally illegitimate act, because the mere passage of time cannot generate rights for an occupying Power or its subjects installed in a foreign territory who have displaced the local inhabitants by force. Since 1833, Argentines have been prevented from moving freely to the Islands or becoming landowners there, which has strengthened the Islanders' isolationist attitude towards the mainland.

Argentina believes that the establishment of communications between the Islands and the mainland would help to spread understanding among the inhabitants of the entire region and to develop their respective economies, to the benefit of all. Our determination is attested to by the inclusion of the Malvinas question in the new Constitution of Argentina. It states that Argentina's recovery of those Territories and its exercise of full sovereignty over them are in accordance with international law and respect for the way of life of the inhabitants. This is declared to be a permanent and irrevocable aim of the Argentine people and I believe that it clearly highlights the fact that Argentina is no threat to anyone. The only threat arises from arguments and analyses that are used in discussing such a complex issue.

The United Kingdom and Argentina are daily increasing and broadening their bilateral relations. Argentina is now the United Kingdom's third largest trading partner in Latin America. The establishment of consortia and the increasing British investment in our country bode well for the future. In the political arena, both countries agree in their positions. We have common goals concerning the non-proliferation of weapons of mass destruction. There is close cooperation between our armed forces within the framework of United Nations peace-keeping operations or even in such special cases as the Gulf War. In these instances, Argentina and the United Kingdom have acted as genuine allies in building a stable world order.

In aspects relating to the South Atlantic, our desire for practical, result-oriented dialogue has been manifest. We have not taken the position that we desire no cooperation until the question of the sovereignty dispute has been resolved. We want to cooperate even before the fundamental issue has been laid to rest. This demonstrates our great flexibility.

On the issue of fisheries, the Joint Commission on Resource Conservation has continued its work in information exchange and, for example, has made it possible for the second consecutive year to close squid fishing for the sake of conservation and in order to maintain rational exploitation of the resource.

With the same positive attitude we have begun to consider cooperation in the area of hydrocarbon resources. This issue involves aspects more complex than those of fisheries, because the resource in question is non-renewable. We start from the premise that it will be possible to make progress in the exploration and exploitation of the resource only on the basis of cooperation, precisely because of the non-renewable nature of the resource.

The unilateral exploitation of non-renewable resources in the area in dispute contravenes the norms and principles of international law that establish the obligation to refrain from disposing of the non-renewable resources of a Territory when the dispute over its ownership has not yet been resolved. This has been the interpretation of the international community in the specific case of the Malvinas Islands, as reflected in General Assembly resolution 31/49.

For these reasons, and in the absence of any satisfactory bilateral agreement, Argentina will not give its consent to the unilateral exploitation of a resource that it claims as its own. The British Government, the international community and the international oil industry are familiar with our position, which has not changed. Genuine cooperation will work to everyone's benefit and will strengthen trust. Unilateralism leads only to a solidifying of positions and to legal and financial insecurity for potential investors.

In the military field in particular, we have recorded some gradual but steady progress in the area of mutual confidence-building measures. We continue to make headway in the consideration of the practical aspects relating to our initiative to take charge of clearing the mines laid by Argentine armed forces during the 1982 conflict. We are receiving in this connection invaluable cooperation from the Government of the United States, and we trust that this initiative will soon be put into practical effect, in keeping with the spirit of the constant endeavours that the international community is making at present to tackle the scourge of land mines. I should like to thank Norma Edwards for her comments recognizing that Argentina is making a major effort to deal with a problem that we ourselves have caused, a responsibility we fully acknowledge.

However, we wish also to place on record certain facts that, in our opinion, hinder us in the quest for a just and lasting solution to the conflict.

First, notwithstanding what has been recommended in a number of General Assembly resolutions and in this Committee, sovereignty — the main issue in the dispute — still has not been addressed.

Secondly, I should like to mention a number of jurisdictional measures taken by the United Kingdom that contravene the letter and spirit of resolution 31/49 of the United Nations General Assembly, which

> "Calls upon the two parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the islands are going through the process recommended in [General Assembly resolutions 2065 (XX) and 3160 (XXVIII)]" *(resolution 31/49, para. 4)*.

I am thinking in particular of the 1993 regulatory measures affecting fishing around the South Georgia and South Sandwich Islands, which we deem incompatible with the provisions of the Convention on the Conservation of Antarctic Living Marine Resources. The unilateral extension of its supposed jurisdiction to areas of the South Atlantic not previously in dispute and the absence of any willingness annually to review a regime of fisheries prohibitions to the west of the Islands, in contravention of the joint declaration of 28 November 1990, is for us a very serious matter. All these measures have been firmly rejected by Argentina, as reflected in the official documents of this Organization.

Reference has been made to the importance that my country attaches to the inhabitants of the Islands. The appreciation that they deserve as a community and as the inheritors of the British political tradition prompt me to address them in English.

(spoke in English)

As I said earlier, there are some areas of collaboration in which the United Kingdom, the Islands and Argentina are making progress. Fisheries is an obvious example, but not the only one.

On the other hand, differences remain concerning the substantive issue that has brought us here today: the question of sovereignty. We both know that none of us will give up our respective claims, and so far we have honoured the expression coined a few years ago: "We have to agree to disagree". This is very much in the British tradition.

However, this disagreement does not, and should not, stand in the way of a dialogue which the parties concerned ought to develop, if we are to arrive at a solution to the question of sovereignty.

Certain aspects of British Parliamentary traditions and constitutional arrangements have served as the basis for the development of democracies world wide. People in Argentina know that, and they admire these achievements of British culture.

As everybody knows, Argentina is a country where many nationalities have managed to build a future for themselves and their children. We are used to sharing our lives with people who have a completely different cultural background. For instance, people of Arab and Jewish backgrounds have been living together in my country for over 100 years. Today, we keep accepting new immigrants from places as distant as Russia, Korea and Ukraine.

Moreover, the ancestors of many Argentines emigrated from the United Kingdom, and quite a few moved to the Argentine mainland from the Malvinas, as the presence of the Argentine petitioners clearly shows. Any visitor to my country will immediately realize that British culture has had a deeper impact on our society than the actual numbers of British immigrants could account for.

Argentina's laws and Constitution guarantee the preservation of the cultural heritage of the many immigrants who have settled in my country. They have allowed for whole communities to preserve their cultural traditions: Welsh settlers and German farmers — to name only a few of them — have prospered while retaining common traits that distinguish them both in Argentina and abroad. Bilingual schools have played a decisive role in preserving this feature of Argentine society.

Besides, our Constitution provides for the provincial states to issue their constitution and laws in accordance with their own needs and traditions. Provincial courts and justice departments make sure that the people of each province control the administration of their own laws.

Argentina is a free and democratic country. As such, it imposes no restrictions of entry, at most a visa requirement that does not discriminate against anybody on any grounds, let alone nationality.

Islanders have always been, and always will be, welcome in Argentina. We feel there are many things to be shared with them. We respect them and their feelings of loyalty to their British heritage and to their institutions.

I noticed that some of the petitioners were surprised at my letter of compliments sent on the occasion of the Queen's birthday. The fact that we do not talk to each other can mean that the messages we send one another are not fully understood. One of the reasons I come here is that at least once a year, I can catch a glimpse of two petitioners whom I normally do not see, and this for us is very important.

Having said this, I would add that the question of sovereignty remains a complex issue that requires imaginative solutions. Today we see that many nations have been able to overcome even greater obstacles than the one we face in the South Atlantic. Israel and the Palestinians have often been mentioned as an example. The people of Alland and Finland have also managed to reach an agreement that suits all parties concerned.

Indeed, the different interpretations of sovereignty by Argentines and the British people should be further considered. We associate sovereignty with the land, whereas they emphasize the people, their way of life and their political culture. No doubt, there is a problem here that underlies the whole essence of the debate, but let me express my sincere belief that, as long as we are prepared at least to engage in civilized discussions of the subject, Islanders, the British and Argentines will probably gain a better vantage point from which to overcome the obstacles to a solution.

(spoke in Spanish)

Argentina has evolved. It has grown, together with a fundamentally different international order. As players in this new environment, we have also recognized the mistakes of the past and in accordance with international law and with our Constitution have committed ourselves to a completely peaceful solution to this dispute.

Our attitude towards the Islanders has also changed. And I wish once again to reaffirm to them our readiness to enter into dialogue without exclusion in the framework of mutual respect, a dialogue among citizens respectful of the rule of law and fundamental freedoms.

Others, in different parts of this world, though very often they may not share the same values or recognizing a common history, have found a way to use democracy appropriately in order to solve conflicts which seemed not to lend themselves to agreed solutions.

I look forward to the support of the Committee for the draft resolution that has been submitted, and special tribute goes to our brothers from Latin America — from Cuba, Chile and Venezuela — who have honoured us by sponsoring it.

Mr. Rodrígues Parrilla (Cuba) *(interpretation from Spanish)*: I should like, first and foremost, to applaud and commend the Special Committee's contribution to the analysis and monitoring of the question of the Malvinas. The position of the Government of the Republic of Cuba concerning the question of the Malvinas has been clearly stated and upheld both in this Special Committee and in other relevant international forums.

My delegation wishes once again to voice its full support for the legitimate claim of Argentina concerning sovereignty over the Malvinas Islands. Cuba takes the view that Argentine sovereignty over that Territory is beyond any doubt. We should like to express our hope that this dispute will be resolved through dialogue and cooperation between the parties. My delegation believes that such willingness is clearly being displayed by the Argentinian Government. In particular, we recall that the Minister for Foreign Affairs of Argentina stated in the 1994 session that his Government was ready to build bridges and that, in any event, the Islanders would be accorded full respect for their way of life. The Minister of Foreign Affairs has restated that position today.

Our understanding of the subject, including the reasons that we have already explained, prompted Cuba to become a sponsor of the draft resolution before the Committee, in the hope of helping to bring the parties to the path of understanding and agreement on this issue.

Mr. Larraín (Chile) *(interpretation from Spanish)*: In the first place, my delegation wishes to welcome the presence here today of the Foreign Minister of Argentina, Mr. Guido Di Tella, to whom we are grateful for his statement of a few minutes ago.

My delegation wishes to associate itself with what was said by the representative of Venezuela when he introduced the draft resolution, which we too have the honour of sponsoring, and which we hope will be adopted in its present version.

Mr. Samana (Papua New Guinea): I should like at the outset to acknowledge the presence of the Argentinian Foreign Minister, which enhances the proceedings of the Committee and enriches the debate on the question before us.

Papua New Guinea has always taken account of and supported the consensus of the Committee and the United Nations resolutions on the question of the Falkland Islands (Malvinas). By the same token, Papua New Guinea has consistently raised the matter of the omission from draft resolutions of the question of the Islanders' right to self-determination. Papua New Guinea believes that the right to self-determination of the sixth-generation Islanders of the Falklands (Malvinas) is a legitimate matter for consideration by the Committee. Therefore, at an earlier stage we proposed an amendment in recognition of the wish of the Islanders to have the Government of their choice and to choose their political future.

Having considered the issues before the Committee, we have proposed for the Committee's consideration an amendment concerning recognition of the right of the Islanders to choose their own political future. We have circulated the draft to the delegations of Cuba, Chile and Venezuela, which are sponsors of the draft resolution, and have received their reply. Agreement has been reached in informal consultations that the amendment proposed by Papua New Guinea introduces a substantial new element in the form of the issue of self-determination.

Accordingly, Papua New Guinea wishes not to pursue the proposed amendment until a later date, perhaps at the Committee's next session. Thus, Papua New Guinea, in a spirit of harmony and cooperation with all parties concerned, wishes to indicate that we shall introduce this amendment next year, with the cooperation of the other delegations in the Committee, to take account of the wishes of the Islanders with respect to their right to self-determination.

The Chairman: I thank the representative of Papua New Guinea for his magnanimity.

As there are no further speakers on this item the Committee will proceed to take action on draft resolution A/AC.109/L.1830. May I take it that the Committee is prepared to adopt the draft resolution without a vote?

Draft resolution A/AC.109/L.1830 was adopted (A/AC.109/2033).

The Chairman: I shall now call on those representatives who wish to explain their positions.

Mr. During (Sierra Leone): I should like to state the enduring view of the delegation of Sierra Leone.

While we laud the efforts of the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland in seeking to resolve this issue by peaceful means, we accord significance to the wishes and interests of the people of the Islands. As in the past, we believe that the resolution should have made appropriate reference to the important and relevant question of self-determination for the Islanders.

Mrs. Khan-Cummings (Trinidad and Tobago): Trinidad and Tobago has again this year joined in the consensus adoption of the resolution on the question of the Falkland Islands (Malvinas). However, Trinidad and Tobago maintains the view that the resolution could have been more balanced with the inclusion in the text of a reference to the right to self-determination, which is universally recognized and should apply to peoples in a Non-Self-Governing Territory.

This is also important as we approach the end of the International Decade for the Eradication of Colonialism. Trinidad and Tobago notes the progress in bilateral relations between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland, and hopes that this propitious climate will ultimately lead to a satisfactory resolution of this issue.

The meeting rose at 1.10 p.m.

United Nations A/AC.109/PV.1447

General Assembly

Official Records

Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

1447th Meeting

Thursday, 13 July 1995, 3 p.m.
New York

Acting Chairman: Mr. Bangura . . . . . (Sierra Leone)

The meeting was called to order at 3.40 p.m.

Question of the United States Virgin Islands (A/AC.109/2014)

The Chairman: At its 1445th meeting, on 12 July 1995, the Committee granted a request for hearing to the United Nations Association of the Virgin Islands. Ms. Deborah Jackson will make the statement on behalf of the Organization.

At the invitation of the Chairman, Ms. Deborah Jackson (United Nations Association of the Virgin Islands) took a place at the petitioners' table.

The Chairman: I call on Ms. Jackson.

Ms. Jackson (United Nations Association of the Virgin Islands): I thank you, Mr. Chairman, and the Committee, for this opportunity to present the observations and views of the United Nations Association of the Virgin Islands — known as UNAVI — on the situation with regard to the Non-Self-Governing Territory of the United States Virgin Islands.

I am Attorney Deborah Jackson of the National Conference of Black Lawyers, and the presentation that I am making today was prepared by Attorney Judith L. Bourne, President of the United Nations Association of the Virgin Islands, who, unfortunately, could not be in New York this week. She and other officers of the Association are currently in the process of organizing a national consultation with regard to the Fourth World Conference on Women, which is to take place later this month. The role and function of this Committee are of such import and significance that it was felt that, despite her unavailability, the Association could not allow this meeting to go forward without having its voice heard. Thus I have the honour to address the Committee.

I understand that the leadership of the Committee was recently thrust upon you, Mr. Chairman, by events over which neither you nor the Committee had any control. I have no doubt that, despite the circumstances in which you took up these duties, your long experience in and your dedication to the cause of decolonization will inspire the Committee to the full and vigorous exercise of its mandate, most especially in this the International Decade for the Eradication of Colonialism.

With respect to its consideration of the situation regarding the United States Virgin Islands, the Special Committee, of course, relies on the Working Paper prepared by the Secretary of the Committee and his staff. Unfortunately the 1995 Working Paper contains information that is either incomplete or misleading, or both. While I shall touch on several such matters, I shall concentrate on the incomplete and misleading information that most directly affects the purpose of this Committee.

Section IV D of the Working Paper — page 7 — describes the industrial sector, based primarily on St. Croix, of which the largest operations are an oil refinery and an aluminium plant. What is not mentioned is that the aluminium plant has been closed since mid-1994. Further, the oil refinery has had several large lay-offs within the past several years. Taken together, these developments have had a severe impact the employment

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situation and economic welfare of St. Croix — the island that was most devastated by hurricane Hugo and has had the least economic recovery despite the passage of almost six years. Despite this, the adverse impact of these actions is not reflected in Section V A of the Working Paper, headed "Labour".

The effects of these actions of major industries are, however, described in Section V C — headed "Social welfare" — which notes that poverty continues to grow. Similarly, Section V D — headed "Crime and crime prevention" — states that crime continues to be a major problem. The link between crime and worsening economic conditions is well documented in sociological and criminological literature.

In Section V B — headed "Public health" — the hospitals are described as having been completed in 1982. No mention is made of the fact that both were severely damaged by hurricane Hugo — the one in St. Croix to such an extent that it was unusable. A temporary modular hospital had to be erected and used for more than a year while it was rebuilt.

Nor was it mentioned that the St. Croix hospital lost its accreditation several years ago and is still in the process of regaining it. The St. Thomas Hospital was also about to lose its accreditation, and only an emergency effort by a special task force was able to secure additional time to remedy the deficiencies. To date, accreditation has not been renewed for the normal period of time. The accreditation to which I refer is of importance for many reasons, not the least of which is that, without it, the hospital will not be reimbursed by the Government of the administering Power for services performed under various programmes that provide health care to the elderly and to those of very low income.

Section VI, on educational conditions, contains the following statement:

> "The present condition of the public school infrastructure is reported to be of a high standard" *(A/AC.109/2014, para. 56)*.

The reporter is not named. This is an important oversight, as recent legislative hearings documented serious deficiencies in the infrastructure of many of the schools in the Territory, some so severe that an alternative site is being contemplated for the students at one elementary school on St. Croix for the opening of the school year in September. The deficiencies at various schools include broken and unusable fixtures in rest rooms, lack of access to safe water, broken windows and doors, exposed electrical wiring, broken light fixtures, cows and bulls wandering on school grounds because of broken fencing, and a general lack of security.

None of these issues were hidden. The mass layoffs from industry, with commentary on the likely, and actual, effects on the economic and social health of the island, and the problems with respect to the hospitals and the schools have all been reported in the local press.

I stated at the beginning of this presentation that I would focus on a topic included in the working paper that most directly affects the purpose of this Committee. That topic is addressed in paragraph 61 of the working paper, under section VIII, "Future status of the Territory".

The referendum on federal relations and status was held on 11 October 1993, pursuant to a statute enacted by the territorial legislature and signed by Governor Farrelly. It was entirely a local initiative, with the administering Power providing no assistance and not being required to recognize the outcome. However, under local law, the results were to be recognized only if 50 per cent, plus one, of the voters participated. Less than 28 per cent of the electorate voted in the first phase, and the remainder of the effort was abandoned.

The referendum was originally authorized to take place in 1989, but was postponed twice, first because of the disarray caused by hurricane Hugo, then by the clear unreadiness of the population to make a decision, as shown by, among other indications, letters to the editor and comments made on call-in talk shows. Much of the unreadiness was caused by confusion over the options included on the ballot and about what actually could be done. Within the Commission on Status and Federal Relations, the body set up to develop and implement the educational campaign, one co-chair vigorously took the position that all issues were completely determined by local law and that the United States Constitution and international law, including the Charter of the United Nations and General Assembly resolutions, had nothing to do with the process. There was quite a bit of discussion concerning whether the referendum would be an act of self-determination or a "local consultation". Many people referred to it as merely an opinion poll.

In any event, requests for clarification addressed to this Committee though its secretariat went unanswered, and the debate raged on, with no intervention from a

source that could be accepted as authoritative. The result was that much of the population accepted the proposition that there was no connection between the United States Virgin Islands' choice of political status and anything having to do with the United Nations.

The final design of the referendum was a multi-step process. Seven choices were put forth: independence, associated State, Commonwealth, compact of federal relations, the status quo, incorporated Territory — which in the United States is a status transitional to integration as one of the constituent units of the United States — and statehood, by which was meant integration into the United States as one of its constituent units, called States. These seven were grouped into three categories, which were described solely in terms of their movement towards or away from the overriding sovereignty of the United States. The first round of balloting was for a choice among the three categories, and a second round balloting was for a choice among the options within the winning category. Run-offs were planned for the two choices receiving the highest number of votes if no choice received an absolute majority in either balloting. As I stated earlier, the lack of participation by the minimum of 50 per cent plus one of the registered voters invalidated the entire exercise, and no further action was taken.

Virtually all post-referendum commentators agreed that the options as presented were excessive in number and confusing in definition. In fact, as presented, the options entirely misrepresented the actual options available to the people of the Territory pursuant to General Assembly resolution 1541 (XV).

This experience of the United States Virgin Islands is illustrative of certain problems that have been raised at the regional seminars that this Special Committee has held, both in the Caribbean and in the Pacific, during this International Decade for the Eradication of Colonialism.

The reports of each of these seminars refer, both directly and indirectly, to the need for more intensive and innovative ways to make information on decolonization available to the people of the Non-Self-Governing Territories. In the United States Virgin Islands, there remain large numbers of people who are totally unaware that the Territory has any status or that they have any rights under international law. They honestly believe that any interest shown by the United Nations is an intrusion, and that their options are completely limited by the United States Constitution.

From the time of the second postponement of the referendum, there was spirited debate on the question of who should be allowed to vote in the referendum. The legislation had not set any specific requirements, and the criteria applied were the same as those used for the election of representative government, that is, a voter must be a citizen of the administering Power, 18 years of age, a resident of the Territory for 90 days, and must have registered 30 days before the balloting.

Various alternatives were put forth, including suggestions that the period of residence for this referendum be significantly lengthened — suggestions of five and 15 years were heard; that the referendum be limited to those persons actually born in the Territory; and that the requirement of United States citizenship be eliminated. The faction that insisted on the primacy of the United States Constitution and the inapplicability of international law maintained that any difference in the qualifications for the referendum that might adversely affect any United States citizen would be a violation of the United States Constitution and therefore unlawful.

The Commission on Status and Federal Relations made a request to this Committee for a visiting mission in connection with preparations for the referendum. This request was forwarded by then-Governor Farrelly to the administering Power, but appears never to have been formally received by the Special Committee.

Although the Special Committee was repeatedly made aware of the request through the statements of the elected Government of the Territory at the meetings which addressed the situation in the Territory, there appears to have been no direct communication from the Committee to the Territory.

It is clear that misinformation and the lack of authoritative clarification and explanation was a major factor in the invalidation of the referendum. Of more far-ranging significance is the fact that the issue of political status has now been dubbed too complicated, too confusing and too separated from the everyday issues of economic, political and social life to be of any moment to the ordinary resident of the Territory. The relatively small group of persons who are aware of the truth — and there appear to be more today than before the referendum exercise — see the issue of status in many of the news stories reported every day and in the daily concerns discussed by the population.

As a small Caribbean Territory, the United States Virgin Islands is not unusual in either its apparent lack of widespread, sustained antagonism to its colonial status or its lack of understanding of its options. In fact, it can be said that the latter has a serious impact on the former. During the educational campaign, it was common to hear people expressing the view that "we know what we have and don't know what we might get if we ask for a change". Not as common, but certainly not rare, was the suggestion that we not ask for any change lest the United States become angry.

Last week at the seminar in Port-of-Spain, Miss Bourne stated that in the past several years proposals for options other than those set forth in resolution 1541 (XV) had been heard in various forums, including a seminar of this Committee. These options appear to be applicable to the remaining Non-Self-Governing Territories and, further, to be based on a supposed need for different options because of the smallness of most of these Non-Self-Governing Territories in size and population, their location and their limited natural resources. As the General Assembly has continually reiterated, these factors in no way circumscribe a Territory's right to self-determination.

Because UNAVI believes the point to have particular importance, I should like to repeat a portion of what was said at the seminar on this subject:

> "These recent proposals often make reference to some kind of 'autonomy' in an association that is less than independence, less than integration and which leaves the Territory in a decidedly one-sided relationship with an independent State which can override the reasonably and democratically demonstrated desires of the 'autonomous' Territory.
>
> "I would suggest that these proposals are simply a shortcut to avoid the more difficult task of providing the people of the remaining Non-Self-Governing Territories with the information, education and experience they need to make and implement a decision based on their existing right to self-determination as set forth in General Assembly resolutions 1514 (XV) and 1541 (XV). Many of the problems with respect to the choice of an option stem not from any unsuitability of the resolution 1541 (XV) options for the remaining small Non-Self-Governing Territories, but from the lack of information and understanding of those options by the people of these Territories. ...
>
> "Continued progress in the movement for decolonization is more likely linked to the heightening of the consciousness of the peoples of the Non-Self-Governing Territories through more accessible informational resources than to the elaboration of options not in conformity with resolution 1541 (XV). In the current situation, it is that consciousness that can lead the peoples to determine what action they deem necessary to exercise their inalienable right of self-determination."

Further, the incomplete and misleading reporting to this Special Committee which I have illustrated also points up the need for additional information-gathering resources and for direct contact between this Committee and the elected Governments of the Territories.

Finally, in reviewing the draft resolution on the United States Virgin Islands submitted by the Subcommittee on Small Territories, Petitions, Information and Assistance, I note first that the paragraph with respect to the referendum is totally inaccurate. As I have stated, not only is it not true that a majority of the people voted for continued or enhanced territorial status, not only did fewer than half of the eligible voters vote at all, but because of the low percentage, the referendum, on its own legal terms, was invalid. But in addition, I note a distressing paucity of substance in the operative paragraphs of the draft resolution, undoubtedly stemming from the paucity of information available to the Subcommittee.

I believe that it would be appropriate to speak to this issue of information, perhaps utilizing some of the language adopted by the recent seminar in Port-of-Spain. I would hope that this Committee would address both the issues of utilizing other United Nations organs, such as the regional economic Commissions and their suborgans, to obtain information from the Territories, and of the evident need for intensive education among the people of the United States Virgin Islands on issues both with regard to their right to self-determination and to the role of the United Nations.

The Chairman: Does any member of the Committee wish to comment or put questions to Ms. Jackson?

Mr. Viswanathan (India): I want to thank the petitioner for her useful presentation. She referred to the information given in the Secretariat of the working paper

as incomplete and misleading. She has given a lot of information and she has also clarified a number of points concerning information. I hope that the Secretariat has taken note of this in order to update the working paper prepared.

Secondly, she said that a communication was sent to the United Nations seeking its opinion regarding the nature of the referendum — whether it was going to be an act of self-determination or an opinion poll. I want to seek more information on that. How was it addressed? When was it addressed? To whom was it addressed? If it was received by the Secretariat, I want to know from the Secretariat what action was taken — whether it was brought before the Chairman and what action, if any, was taken. That would be useful.

Thirdly, the petitioner referred to the various confusing options given to the people who participated in the referendum. It came out during the seminar that the options were decided not by the administering Power but by the locally elected Government authorities. Again, it would be useful here if that could be clarified so that we may have a better understanding.

The Chairman: I myself have taken note of the issues that were raised in the petition of the United Nations Association of the Virgin Islands. I hope to find answers to those questions.

The petitioner withdrew.

Special Committee decision of 15 August 1991 concerning Puerto Rico

Requests for hearing

The Chairman: As members will recall, the Committee, at its 1442nd meeting, held on 10 July 1995, decided to hear representatives of organizations interested in this question. In that connection, members have before them a number of communications containing requests for hearing, which have been circulated in aide-mémoire 9/95. If there are no objections, I shall take it that the Committee agrees to accede to those requests?

It was so decided.

At the invitation of the Chairman, Mr. Harry Anduze Montaño (Colegio de Abogados de Puerto Rico) took a place at the Committee table.

The Chairman: I call on Mr. Anduze Montaño.

Mr. Anduze Montaño (Colegio de Abogados de Puerto Rico) (*interpretation from Spanish*): My name is Harry Anduze Montaño and I chair the Colegio de Abogados de Puerto Rico, on whose behalf I appear before the Committee. Since 1840, the Colegio has been serving my homeland and has brought together all its lawyers; it is a pluralistic, heterogeneous institution comprising diverse ideologies. The resolutions and agreements approved and adopted by its governing organs respect that pluralism and do not necessarily reflect the unanimous view of its members. Our institution has a proud record of studying most objectively and responsibly the legal and political situation of the people of Puerto Rico, study which results from serious work and the consistent and steadfast dedication of legal experts of varied ideologies whose professional qualifications and moral integrity are above reproach.

Our appearance here this year is especially important, since only a few days ago the United Nations celebrated the fiftieth anniversary of the signing of the Charter. Fifty years later, as we move further and further away from the spectre of a bipolar, cold-war world, the Organization faces major challenges that must be addressed with the urgency entailed by the ending of an era and in the hopes aroused by the advent of a new century full of opportunities for the world's nations.

In the face of these challenges, the General Assembly was right to declare the final decade of the twentieth century as the International Decade for the Eradication of Colonialism. Puerto Rico, my homeland, is a nation which has not fully exercised its inalienable right to self-determination.

As President of the Colegio de Abogados de Puerto Rico, a century-old organization that has appeared before this Committee many times to denounce the colonial situation in Puerto Rico, I recognize the Committee's painstaking work in favour of the self-determination of peoples. Hence, I have come to urge the Committee to adopt a resolution that, besides reiterating the right of the Puerto Rican people to self-determination and sovereignty, would recommend a course of action for the effective exercise of that right. Only in that way can this important issue be resolved before the year 2000.

In 1898, Puerto Rico, as war booty, became a possession and non-incorporated Territory of the United States. Although nearly a century has elapsed, during

which the extent of internal government in the island has increased, its subordination to the sovereign powers of the United States of America has not substantively changed. Throughout this period, including after the adoption of Law 600 of 1950, the United States Congress has retained the total authority to act and legislate with respect to the island on any matter it wishes, in accordance with the territorial clause of the United States Constitution.

Recent court decisions uphold the interpretation by which Puerto Rico remains a United States Territory. For example, as recently as 1993 the Eleventh Circuit Federal Court of Appeals stated, in the case *United States v. Sanchez*, that Puerto Rico continues to be a United States Territory, even though it received greater powers of self-government in 1952. That Federal court determined that the exercise of State power by the Government of Puerto Rico did not stem from its own sovereignty, but from the metropolitan sovereignty of the United States of America. This lack of sovereignty is precisely what, from the legal perspective, prevented the 1950 adoption of Law 600 from bringing about a change in the true political status of Puerto Rico. The Federal court concluded that Puerto Rico was and is a non-incorporated Territory and thus depends on the ultimate authority of the United States Congress to legitimize its legislative, legal and political acts. Similarly, both the Supreme Court of the United States and the First Circuit Federal Court of Appeals, along with the Assistant Attorney-General, have recognized in written opinions that Puerto Rico remains a United States Territory under complete congressional control. Two legal studies, recently published in the law reviews of the two main Puerto Rican law schools, came to the same conclusion.

These examples are in stark contrast to the refusal of the United States of America to recognize the competence of the Special Committee and of the General Assembly to oversee the self-determination of the Puerto Rican people. Yet — and perhaps ironically — it was General Assembly resolution 748 (VIII) itself that relieved the United States of its duty to report on conditions in Puerto Rico, at the same time recalling that it was for the General Assembly to decide whether a Non-Self-Governing Territory had or had not attained a full measure of self-government in the terms subsequently set forth in resolutions 1514 (XV) and 1541 (XV).

It is not for the United States to determine whether or not the General Assembly should consider the case of Puerto Rico. To the contrary, the United States, as colonial Power, is clearly barred from determining whether the case of Puerto Rico warrants reappraisal by the General Assembly. Basic legal precepts prevent the United States from serving as both party to and judge of this case. Since 1973, when it adopted a resolution reaffirming the inalienable right of the people of Puerto Rico to self-determination and independence, this Committee has been clear on the need to resolve my country's colonial dilemma. That urgency persists, and unambiguous, concrete action is required of this Committee and the United Nations.

For that reason, we respectfully request this Committee to adopt a draft resolution urging the Government of the United States to take positive steps on this issue. This draft resolution must set a firm and final one-year deadline for action: either the implementation of the results of the referendum held in Puerto Rico in 1993, in which the United States' annexation formula was rejected by 53 per cent of the Puerto Rican electors and which also called for improvements in the status quo; or, alternatively, we would respectfully suggest a binding referendum authorized by the United States Congress, held under the supervision of the United Nations, in which only decolonizing options would be included, as set forth by this Committee in its resolution of 12 September 1978.

We must point out that the Secretary of the Puerto Rican Government, one of the most authoritative political spokesmen of the present Puerto Rican governmental administration, told our country's press that the inter-agency working group set up by that very Government was not going to respond to the results of the latest plebiscite. He said that the working group lacked a strategy, describing it as "a puff of smoke" — that is to say, that it has visual effects but no real content.

This Committee must warn the United States that inaction on its part between now and the end of the one-year deadline will merely prompt this Committee to decide to refer the case for full consideration in the plenary of the General Assembly, with the recommendation that Puerto Rico be included in the list of peoples that have not yet attained full self-government. Likewise, we would once again suggest that if the United States refuses to act on the case of Puerto Rico, this Committee should recommend to the General Assembly that it request an advisory opinion from the International Court of Justice to determine, once and for all, the political status of the people of Puerto Rico in accordance with existing international law.

The discussion of the realities of Puerto Rico can no longer be deferred. As I address this Committee, I think about my people: men and women of courage and conviction who, for more than 500 years, have been kept in a political limbo that has limited their development while entrenching them in extreme dependence, thus turning them into a mere appendage to an uncaring colonial Power. This is borne out by the absence of that colonial Power today in this room.

We cannot allow Puerto Rico, an island that is small geographically but great in human value, to remain in the vice-like grip of colonialism at the turn of the twenty-first century. Postponing the final definition of the Puerto Rican nation and tolerating the existing colonial situation is a denial of the principles of self-determination and human dignity set forth by this Organization in the city of San Francisco 50 years ago. On the contrary, these times require bold action to ensure that we Puerto Ricans can at last decide, in freedom and dignity, our destiny as a nation — with no strings attached, without pressures and without limits, in full and true freedom and with dignity — nothing more, nothing less.

We would request that in future, Puerto Rican organizations be invited whenever seminars are held such as the one that took place recently in Trinidad and Tobago.

Mr. Anduze Montaño withdrew.

At the invitation of the Chairman, Mr. Noel Colón Martínez (Comisión Presidencial, Congreso Nacional Hostosiano) took a place at the Committee table.

The Chairman: I call on Mr. Colón Martínez.

Mr. Colón Martínez (Comisión Presidencial, Congreso Nacional Hostosiano) (*interpretation from Spanish*): On behalf of the Congreso Nacionál Hostosiano, I wish to thank you, Mr. Chairman, and the members of the Special Committee for the opportunity given to us once again to express our views on the colonial case of Puerto Rico.

On 14 July 1994, we appeared before you and made a number of recommendations as to the case of Puerto Rico. Those recommendations were as follows: first, that the Committee keep our colonial case on its agenda; secondly, that it take action on the petition to bring our colonial case before the International Court of Justice for an advisory opinion; thirdly, that it condemn the intensified military activity taking place in Puerto Rico under the plan to move the United States armed forces' Southern Command from Panama to Puerto Rico; fourthly, that it reiterate the necessity, now more urgent than ever, to dispatch a mission of enquiry to Puerto Rico; and fifthly, that it demand freedom for our political prisoners jailed in the United States.

With respect to these recommendations, we welcome the fact that our colonial case indeed is still on the agenda of this Committee. However, we must deplore the fact that recently this Committee held a decolonization seminar on a brotherly Caribbean island, Trinidad and Tobago, where neither the discussions nor the panelists dealt with the most conspicuous colonial case in the Caribbean: that of Puerto Rico. This omission concerns us, and we hope that it does not indicate a lack of interest or, worse yet, a deliberate decision to cast aside an item that has figured prominently on the agenda of this Committee for the last 23 years.

The stationing of the Southern Command in Puerto Rico drew strong objections from the most alert sectors of the independence movement, as a result of which we can now hail the decision of the United States Government to establish the Command in the continental United States instead. This does not mean that the intensification of military activity has come to an end, as is clear from the most recent plan to set up a very-long-range military radar in the Lajas valley, one of the most fertile valleys of our national territory, thus appropriating one of the largest areas necessary for our economic and agricultural development.

Our other 1994 recommendations have not yet been acted on, but are daily gaining in importance. The request to dispatch an mission of enquiry has been made repeatedly by the independence movement over the years, particularly when some sort of referendum seemed in the offing. Notwithstanding the repeated requests to this end and contrary to the procedure followed by this Committee with regard to other colonial Territories, the Committee, in its almost 35 years of existence under General Assembly resolution 1514 (XV) and in the 23 years that the question of Puerto Rico has been kept under review, has dispatched no such mission to Puerto Rico.

Given the mandate of this body to implement resolution 43/47 of 22 November 1988, which requests that a plan of action be adopted with a view to eradicating colonialism throughout the world during this decade, we find it incomprehensible that this Committee did not include on its agenda for this Decade the

dispatching of a mission of enquiry to the colonial Territory of Puerto Rico. We urge this Committee once again fully to shoulder its responsibilities under its mandate, including the dispatching of such a mission to Puerto Rico within the next five years.

This Committee has indeed earned a glorious place in the pages of the history of the national liberation movement in Puerto Rico. Its solidarity with our struggle has made it easier for us to move forward despite the powerful Government that is stifling our national sovereignty. One of those beautiful pages was written when, on the heels of an intensive campaign of work done by all sectors throughout our society, with the support of the international community and led mainly by this Committee, the then United States President, Jimmy Carter, granted an unconditional pardon to our national heroes who were then still jailed in the United States for their action against foreign dominion. For that support we shall always be grateful to this Committee.

However, some of our national heroes are still suffering unduly harsh sentences imposed as a result of their patriotic actions. These political prisoners need the support of this Committee just as much as the national heroes of those days did. The clamour for the release of these patriots already transcends political ideologies. Congressman Luis Gutiérrez, a Member of the United States House of Representatives of Puerto Rican origin, has called for their release and has won the backing of other Members of Congress.

The President of the House of Representatives of Puerto Rico, Mr. Zaida Hernández Torres, who is Vice-President of the New Progressive Party and a firm believer in statehood for Puerto Rico, has also made statements in support of freedom for the Puerto Rican political prisoners. On this issue there is wide consensus in Puerto Rico. So it is necessary for the international community to take a public stand, and especially this Committee in its role of mediator with the Government of the United States, so that the latter will listen to and act on our request that the Puerto Rican patriots be released from prison.

By the same token, together with the efforts that our own people will have to exert, we need the backing and the initiatives of this Committee to attain the goal that we have set for ourselves — the goal of bringing our demands before the International Court of Justice in the Hague. When we addressed the Committee last year we echoed the words of the statement made to this Committee by the Colegio de Abogados of Puerto Rico, and we call upon this Committee, as we did then, to consider recommending to the General Assembly that it ask the International Court of Justice for an opinion on the status of Puerto Rico under existing international law. It is in our interest to be the vanguard in the quest for peaceful solutions that conform with existing international law and, thus contribute to the creation of a world governed by law, justice and peace.

The situation reflected in the colonial case of Puerto Rico is not the exclusive business of United States domestic politics; it is a subject directly incumbent upon the international community — in particular, upon this Committee — just as it is the business of our people. Once again we ask the Committee to participate in the creation of a fresh precedent of peaceful and lawful transition from colonialism to liberation. We need its support as a Committee in bringing our case before an impartial body where we can sit down on equal terms with the colonizing Power and discuss our just demands.

The protection of the environment has been an issue of interest to this Committee inasmuch as colonial Territories are ready-made victims of the economic interests of the administering Powers. Puerto Rico is now waging a struggle against the plans of a United States mining consortium that intends to extract copper, using open-pit technology, in the central mountainous area of the island. Environmental scientists have already alerted us to the ecological disaster that such extraction would trigger on our national territory. The Puerto Rican legislature has adopted a law prohibiting open-cast mining. Notwithstanding all this, the mining companies are proceeding with their plans and have unleashed a multi-million-dollar public-relations drive in an effort to hoodwink our people with promises of riches for all.

We are alerting this Committee to the outrage that is to be perpetrated on our national territory for the profit and benefit of a corporation under the flag of the administering Power, and we reiterate once again the need for the early dispatch of a mission of enquiry to Puerto Rico to examine this and, indeed, other subjects.

The case of Puerto Rico, as an objective colonial reality, must be an important part of this Committee's agenda. Its resolution cannot continue to be postponed, put aside or ignored. The Committee's agenda would remain tragically unresolved if no progress were made towards a final resolution of this situation. The Puerto Rican people must have the backing of the Committee as it moves towards decolonization.

Long and hard has been the road we have travelled together. Along the way our people has made whatever efforts it could, and it continues to do so. We hope and expect that this Committee will use its powers, remembering that we cannot talk about an end to colonialism so long as a people such as that of Puerto Rico continues to have a political life without sovereignty and full independence.

It is appropriate to recall that there is not now any proposal or draft whatsoever before the United States Congress aimed at putting an end to the existing colonial relationship. There is domestic machinery of marginal significance to gather data for the United States executive branch, but the people running this machinery obstinately consider our colonial case as a domestic problem that is off-limits to this international Organization. This machinery only serves the ultimate purpose of keeping the Puerto Rican nation divided by prolonging a regime of political domination that the General Assembly, by a resolution of as long ago as 1988, decided should be terminated.

For all these reasons we venture to make the following recommendations to the Committee: first, that it reaffirm the Puerto Rican people's right to self-determination and independence; secondly, that it keep the colonial case of Puerto Rico on its agenda; thirdly, that it express its solidarity in securing freedom for Puerto Rican political prisoners incarcerated in the United States; fourthly, that it condemn the installation in Puerto Rico of sophisticated military communications technology that stifles the economic development of Puerto Ricans and impairs the territorial integrity of the country; fifthly, that it acknowledge the need for a mission of enquiry; and sixthly, that it take action on the petition to bring our colonial case before the International Court of Justice for an advisory opinion.

Mr. Colon Martínez withdrew.

At the invitation of the Chairman, Ms. Eunice Santana Melecio (Nuevo Movimiento Independentista de Puerto Rico) took a place at the Committee table.

The Chairman: I call on Ms. Santana Melecio.

Ms. Santana Melecio (Nuevo Movimiento Independentista de Puerto Rico) *(interpretation from Spanish):* I am Eunice Santana Melecio, an ordained minister of the Christian Church Disciples of Christ, a President of the World Council of Churches and President of the New Puerto Rican Independence Movement.

I come before the Committee to single out some of the most striking aspects of our colonial reality — aspects that make it even more urgent and necessary than ever for the Committee to take steps to put an end to this situation.

It is incredible that, with humanity so close to the beginning of a new century, and almost 100 years after the United States Government seized Puerto Rico, we should still be labouring under the colonial yoke. We draw the Committee's attention to the fact that the United States Government now appears to be too busy resolving its internal economic and political affairs to devote any attention whatsoever to Puerto Rico. This threatens us with the ignominy of reaching 1998 without having won our self-determination and freedom.

This, however, does not mean that the majority party of the latest Government to administer the colony has ended its commitment to ensuring Puerto Rico's annexation to the United States. When it was handed defeat at the ballot box in a vote pushed by the Governor and his political party at a time when they believed the moment to be ripe for victory, they changed their approach, adopting subtle changes which, far from negating statehood, are gradually moving us closer to the colonizing Power. We suspect that this is being done with the collusion of certain sectors in the United States, such as the corporations protected under section 936 of the United States Internal Revenue Code and the United States Navy, which benefit from the colonial situation while they seriously jeopardize our collective life and our future as an independent and sovereign Puerto Rican nation.

The colonial reality of Puerto Rico is intolerable and untenable. We have come before this forum precisely because we are not talking about abstract notions but of the day-to-day experiences of an entire people: powerlessness and a lack of security; an exaggerated dependency and lengthy waits full of uncertainty and at the mercy of the decisions of others; a loss of self-esteem and the fear of being annihilated or of losing our identity, to name just a few aspects of our situation.

Everything that is happening to us as a people and as individuals is somehow related to the colonial problem. We are constantly running up against the fact that we have no way of resolving our domestic problems because of a lack of power to act. Examples of this include the law on freight, which prohibits our use of the merchant marine of any country other than the United

States for commercial transactions, as well as control by the military which seems as if it will last for ever. These days, while a struggle is being waged by workers and broad sectors of our people against the Government and its imposition of changes in several labour laws, there are plans to mobilize the misnamed National Guard of Puerto Rico, which is nothing other than the infantry of the United States Army in Puerto Rico. This negates the practice of democracy and nurtures colonialism. We are living with a monster within our very entrails, devouring us. We cannot rid ourselves of it, and no one will help us excise it.

The fiftieth anniversary of the end of the Second World War was recently commemorated in various parts of the world. Although that war unfolded far from our shores, in Puerto Rico we are suffering its effects to this day. It was during that war that the United States Navy seized most of the municipal island of Vieques, in open violation of the dignity and the human and civil rights of many Vieques families. Ever since, it is as if we have been under a curse, that we have not yet been able to lift. Worse still, it would appear that efforts are being stepped up day after day to turn its status into a permanent, all-inclusive one, making the reality of war into a constant presence in our lives as a peace- and justice-loving people.

Now, the Navy wishes to seize a part of the Lajas Valley in southern Puerto Rico to install antennae that would make it possible, by its own admission, to cover the entire Caribbean and the northern part of South America. They will allegedly serve to control drug trafficking. We are all aware that, with the end of the cold war, the United States set up a new war to justify its military power, maintain its war industries and control other peoples through brute force or, at least, by making them serve as mercenaries.

According to the information available to us, the plan consists of building some 744 antennae on a 200-acre corridor of land and a structure of 6,300 square feet to house the operational command. In Vieques, 34 antennae would serve as transmitters. The centre of operations would be at the Norfolk naval base in Virginia. The Lajas Valley is one of the most fertile and we all feel that it should be used for agriculture. Our people are all agreed on that score.

On behalf of the community of Vieques and at its request, we make this denunciation. The Committee to Save and Develop Vieques has asked us to bring its demands before the Committee. These demands are ours too, since the people of Vieques could not attend themselves. Back there, bombardments are an ongoing daily reality. The community is constantly assaulted by the noise and by the insecurity of living in a battlefield.

Faced with the demand of the Vieques community to reclaim some 27,000 acres of land now under Navy control in order to raise crops there, the Navy recently announced its plan to lease some 1,000 acres for farming to the Vieques community. Such a response indicates a lack of respect and humanity on the part of those who believe themselves to be the masters of the universe in general and of our country in particular.

We denounce the fact that the United States Navy allegedly lost an atomic bomb in the waters of Viques in 1966. It has yet to be found. When a Puerto Rican television channel recently aired a report on the matter, the military's response was to threaten the reporter and to contact the United States Federal Communications Commission, which controls communications in Puerto Rico, in an attempt to have the channel's operating license revoked. The reach of colonialism's tentacles is vast. The people have yet to receive any information or explanation on the matter.

Accidents often occur with live bombs. Last year they dropped one which missed the community below by a few mere seconds. By its own admission, as has been revealed in a local magazine, the Navy has used napalm in Vieques in 1992, despite the fact that that substance had been banned after its use in Viet Nam.

Through us, the community of Vieques wishes to convey to the Committee its concern over its high rate of cancer and respiratory illness, and its poor quality of life, which result from the presence of the Navy. They know that this is the forum to which they must turn with their denunciations of the barbarity that stems solely from our colonial situation. Fishermen are now reporting harassment and intimidation through being photographed and monitored while at work. There is a concern about spent uranium from the Persian Gulf war. In that connection, families in Vieques have expressed the need for impartial and effective studies to protect the lives of the inhabitants. We beg the members of the Committee to open their ears, their minds and their hearts to these calls.

We highlight Vieques because it is a microcosm of Puerto Rico. Members can see our situation reflected in the testimony placed before them. Despite their tenacity,

resistance, struggle and dignity, our people continue to be abused.

Because of our colonial situation and its absurdity, and because of the systematic violation of our human rights and our very right to exist, we live in struggle, but under constant surveillance. Today we join with all those across the length and breadth of our island who demand freedom for Puerto Rican political prisoners held in United States jails. We demand the most humane treatment for them while they are imprisoned. We hope and expect they will soon be released by the President of the United States, thanks in part to the support of this Committee.

The United Nations has declared this the International Decade for the Eradication of Colonialism; to date it has been hard to see how it will be implemented in the case of Puerto Rico. We are now half-way through the Decade. We — like, I am sure, the members of this Committee — are impelled by the concept of decolonization. Members must act to begin a process in keeping with resolutions 1514 (XV) and 43/47, by which the Decade was proclaimed.

We recall the position adopted by the ministerial meeting of the Non-Aligned Movement held last year at Cairo:

> "The Ministers recalled the relevant resolution on Puerto Rico adopted by the United Nations Decolonization Committee, with the support of the Latin American and Caribbean countries that are members of the Committee, and reaffirmed the inalienable right of the Puerto Rican people to self-determination and independence in conformity with resolution 1514 (XV) of the United Nations General Assembly. They expressed their confidence that a legal framework will be adopted at the earliest possible date to enable the Puerto Rican people to exercise this right in accordance with the United Nations Charter." *(A/49/287, para. 48)*

At this time of integration and of the search for solutions to problems through coordinated efforts, it is unnatural to isolate Puerto Rico from the rest of the Caribbean and Latin America. Puerto Rico needs to be independent to take its place as a Caribbean and Latin American nation along with the other countries of the region, in the quest for genuine solutions to the problems of island nations, nations that can have a bright future to the extent that they manage to work hand in hand.

We trust that the Committee will live up to the requirements of this historic moment. For our part, we shall stand firm, playing our part. We need the Committee on decolonization to take action; it bears the responsibility to keep Puerto Rico on its agenda and to spark a process that will result in a definitive solution to the colonial problem of Puerto Rico, which is not just our problem, but is a problem for all mankind.

Ms. Santana Melecio withdrew.

At the invitation of the Chairman, Ms. Ana M. López (National Committee to Free Puerto Rican Political Prisoners and Prisoners of War) took a place at the Committee table.

The Chairman: I call on Ms. López.

Ms. López (National Committee to Free Puerto Rican Political Prisoners and Prisoners of War): I will be addressing the Committee in English, primarily because part of the Puerto Rican nation has been forced to emigrate to the United States, and I am a product of that migration. But that does not mean that we stop being Puerto Rican and a part of the Puerto Rican nation.

My name is Ana López, and I am the coordinator of the New York chapter of the National Committee to Free Puerto Rican Political Prisoners and Prisoners of War. Our committee has been sending representatives to the Special Committee for more than 15 years, providing it with information regarding the capture of Puerto Rican freedom fighters, their trials in United States domestic courts and their imprisonment, where they serve disproportionate sentences ranging from 35 to 106 years, and providing the Committee with updates on their inhumane prison conditions, which violate all canons of international human rights law. These conditions are a microcosm of the general colonial conditions that exist in Puerto Rico and in Puerto Rican communities in the diaspora since United States militarily invaded Puerto Rico in 1898.

Every year we come here, and as we pass through the entrance of this grand edifice built 50 years ago, we see the flags of all nations afloat. We see the flags of the various countries of the members of the Committee which are represented in this international forum. But when Puerto Rican people rise and fight to claim what rightfully belongs to them — the national territory of Puerto Rico — utilizing all means at their disposal as a colonized nation, the United States imprisons our people

and criminalizes our just and noble cause of self-determination and independence. The Puerto Rican prisoners of war and political prisoners are incarcerated because they want a sovereign nation; because they have resisted United States colonialism with the use of arms, which is a recognized right of colonized people. They want their single-star flag to fly alone, not with the United States flag at its side, which only reminds us of our continuous colonization. There is a popular Puerto Rican folk song that says, "We want Puerto Rico to be sovereign, because the star of our flag does not fit in the United States flag". Symbols such as a flag are very powerful for the Puerto Rican people even after 97 years of resistance to United States colonization. To us, our incarcerated freedom fighters are our flag, and require much protection and vigilance.

The importance of the amnesty campaign for the unconditional release of Puerto Rican prisoners of war and political prisoners culminated in an important development on 10 December 1994 — Human Rights Day. On that day, we published in the *New York Times* an open letter to the President of the United States in which all Puerto Rican political parties, industrial leaders, union leaders and elected officials — from Puerto Rico as well as the United States — asked the President to exercise his presidential power and grant amnesty to all our freedom fighters. The President of the United States has yet to respond to this collective political consensus, reached in 1994. This same open letter was published in other major newspapers. Over 20,000 petitions making the same request have been sent to Attorney General Janet Reno and President Clinton. The three Puerto Rican Congresspersons in the United States have approached President Clinton with the same request.

What has been the result of all these efforts? Weeks after this political consensus was reached, the Bureau of Federal Prisons, under the responsibility of Janet Reno, proudly announced that it had transferred prisoner of war Oscar López-Rivera from the notorious Marion federal prison to its "Alcatraz of the Rockies Super Max". This infamous federal prison is located in an isolated area of Florence, Colorado. Prisoner of war Oscar López-Rivera was kept in a control unit. He is in a cell 24 hours a day, deprived of sleep, socially isolated and constantly strip-searched at the whim of prison officials. During these strip-searches, they look into all his body cavities and poke at him to humiliate him. He has not had contact visits in the last nine years, meaning that all his visits with friends and family have taken place through four-inch-thick glass, with telephones that are defective on both ends. All these conditions are recognized as forms of psychological torture, which constitute severe violations of human rights. This was the United States response to our political efforts for our Puerto Rican freedom fighters: increasingly severe and inhumane prison conditions that violate human rights.

These violations are as follows. The sentences given the prisoners are excessive and disproportionate. The prisoners are subjected to psychological torture and abusive prison conditions. They have already served more time than most prisoners are made to serve, including those convicted of homicide. The average sentence imposed on Puerto Rican prisoners of war and political prisoners is 500 times greater than that given to common prisoners for murder, kidnapping, rape or robbery. All our incarcerated patriots are imprisoned thousands of miles from family and friends, adding to their isolation and torture. All have been kept in control units, deprived of medical attention, denied visits, and their mail and legal visits have been interfered with. In addition, the Puerto Rican women prisoners have been subjected to sexual abuse by male guards in the prisons.

The prison conditions that our compatriots have endured can be equated with the irreparable harm and damage that colonialism has inflicted on the Puerto Rican nation.

Although international law is clear as to the criminal nature of colonialism, we want to point out how the latter has constituted genocide against the Puerto Rican people. Article II of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the United Nations General Assembly on 9 December 1948, declares that genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical racial or religious group:

"(a) Killing members of the group.

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group" *(resolution 260 A (III), annex, article II).*

We charge that the United States has committed genocide with respect to those four points. There are other areas where we find that active colonialist measures are contributing to the genocidal war on the part of the United States against Puerto Rico.

Education can also be an instrument of cultural genocide. Since 1900, the United States control of the educational system in Puerto Rico has been a tool of the colonizer to destroy Puerto Rican culture, distort its history and impose the United States version of history. This reality was clearly expressed in the words of Victor S. Clark, a North American and the President of the Board of Education of Puerto Rico, in an 1898 report to the United States military government of the island:

> "If the schools are Americanized and the teachers and students are inspired with the American spirit ... the island would be converted in its sympathy and point of view and attitude towards a government essentially American. The Puerto Ricans are still passive and flexible ... their ideals are in our hands to create and mold".

The island's educational commission, appointed by the United States, expressed its view on why the public school system of Puerto Rico should teach in English:

> "We are totally of the opinion that teaching should take place in English. Puerto Rico is now, and will be from now on, a part of the American possessions, and its population will be American".

The United States intent to annihilate Puerto Rican culture and to impose its own, in order to ensure political tranquillity and stability, became the educational guideline for the next 50 years. This policy of cultural genocide became most evident with the abolition of Spanish as the language of instruction in this Spanish-speaking country and the attempt to substitute English as the official language in the schools, courts and in commerce. This genocidal programme also included the promotion of American cultural activities, particularly the celebration of traditional American holidays that have no cultural or historical basis in Puerto Rican tradition.

In the face of unrelenting resistance on the part of the Puerto Rican people, the United States acknowledged its failure to eradicate the Spanish language in Puerto Rico when, in 1948, it was forced to re-establish Spanish as the official language in the schools. But to this day, the United States imposes its ideological content on our schools, and history books continue to present a distorted history of our people. References to our national heroes and patriots are omitted, and our country's wealth of natural resources is denied. Instead, the image of an impoverished island is created in order to develop and maintain a mentality of dependency. Our history and its Spanish, African and Taino origins are minimized, while the history of the United States and its presence on the island is emphasized, along with United States historical figures and their colonial puppets on the island. School literature is carefully selected so that Puerto Rican children will feel allegiance to the United States and not to Puerto Rico.

The United States realized that to destroy the Puerto Rican national identity, it was necessary to do away with all centres of cultural and intellectual resistance. The United States has used the colonial administration to suppress two areas of national consciousness. In the 1970s, as a result of student strikes and takeovers, the Government divided the University of Puerto Rico into nine campuses in order to break the unity of the student movement.

Another area of attack upon the Puerto Rican national identity has been the attempt to eliminate the Institute for Puerto Rican Culture which, since 1956, has served to preserve and promote the cultural heritage of our nation.

These attempts to eliminate Puerto Rican culture are a means for the United States to better control their colonial subjects. The United States understands that within a people's culture lies their strength and a source of resistance.

I turn now to the question of forced emigration and the dispersion of the Puerto Rican nation. Under the false claim that Puerto Rico was overpopulated, the United States and its colonial puppets arranged for the emigration of two fifths of the population of Puerto Rico into the dilapidated urban areas of the United States as a source of cheap labour. The motivation for the United States to implement these emigration policies was the existence of a workers' movement on the island that began to see the Nationalist Party as better able to represent their labour interests. This was clearly apparent during the sugar cane strike of 1936, when the workers called upon Don Pedro Albizu Campos — then President of the Nationalist Party — to represent them in the dispute with the United States sugar corporations. In addition, the impact of the United States depression upon

Puerto Rico created conditions for resistance against United States domination of the island.

These factors motivated the United States to implement an "escape valve" approach to defusing conditions for insurrection on the island. The decision was made by the United States to send corporate representatives to the island to make false promises of a better life in the United States. This was further supported through the United States subsidy of air and sea transportation to facilitate the exodus of Puerto Rican people from the island. Our people's desperate need to escape the economic conditions created by the United States led to the emigration of 18,700 people between 1940 and 1950, and 615,000 between 1950 and 1970. During this time period, the falsity of the United States claim of Puerto Rico's "overpopulation" became apparent when the United States helped to bring 275,000 right-wing Cuban exiles and North Americans to Puerto Rico to take jobs that would otherwise have gone to the Puerto Rican people and to increase the proportion of pro-American political sympathizers in the total population. This is the cause of the present Puerto Rican diaspora of about 3 million, who live in the United States; 3.5 million live on the island. This constitutes the largest forced emigration relative to population in the western hemisphere and is a result of United States political and economic policies affecting the island, which still continue today.

The Puerto Rican people forced to emigrate to United States cities found themselves in subhuman living conditions, working in sweat shops or in semi-feudal conditions in agriculture. All have been subjected to the racism of United States society, in which the racist practice is to denigrate the language, customs and values of newly arrived immigrants.

Another area where this genocide is being implemented, as mentioned by other petitioners, relates to mining and the destruction of the ecology of Puerto Rico as another way to depopulate the island. Today, the United States continues to depopulate the island of Puerto Rico in an attempt to have United States and other foreign mining companies acquire the lands of the central regions of the island for the strip mining of strategic metals. The depopulation of Puerto Rico was also achieved by the massive sterilization of 40 per cent of women of child-bearing age and 25 per cent of men by the 1970s. The sites where the greatest sterilization took place coincide with the strategic mining sites. The project is called the 2020 Plan and has already involved the forced expropriation of lands from the people who live in the mining areas. The 2020 Plan is supposed to be completed by the year 2020 and will convert Puerto Rico into a military-industrial colony to extract strategic metals for the military arsenal. All the infrastructure has been completed to execute this plan. The process of developing 11 military industrial parks near United States military bases is under way; these will process all the strategic metals that will be derived from Puerto Rican lands. On 4 July there were massive protests in the mountain towns of Adjuntas, Utuado and Lares aimed at stopping the mining of copper illegally authorized by the colonial Government.

The United States will reap vast economic benefits from the 2020 Plan. Puerto Rico is 100 by 38 miles, or 34,423 square miles. Each open pit for copper mining will be one mile wide and 1,000 feet deep. The consequences of this mining are severe as it will threaten the balance of the ecology and contaminate all the water supplies of the natives, making it impossible to live in Puerto Rico. The result of this mining will be to transform Puerto Rico's central mountain towns, which produce the richest coffee in the world, into desolate contaminated terrain. This is genocide.

In this International Decade for the Eradication of Colonialism, Puerto Rico continues to be a colony. It is the moral duty of the Special Committee to end colonialism in all its forms, even against a powerful imperialist country like the United States. We respectfully request that, when the Committee has reviewed my statement, its resolution should include an urgent demand that the United States transfer all powers to the Puerto Rican nation so that it can exercise self-determination and independence and demand that the United States unconditionally release all Puerto Rican political prisoners and prisoners of war held illegally in United States prisons, repatriate exiled independence fighters and not prosecute those living clandestinely.

Long live a free, sovereign and independent Puerto Rico! Free all Puerto Rican prisoners of war and political prisoners right now!

Ms. López withdrew.

At the invitation of the Chairman, Mr. Fernando Martín (Puerto Rican Independence Party) took a place at the Committee table.

The Chairman: I call on Mr. Martín.

Mr. Martín (Puerto Rican Independence Party) (*interpretation from Spanish*): My name is Fernando Martín García, Vice-Chairman of the Puerto Rican Independence Party, on whose behalf I appear before the Committee. I congratulate the Committee on its decision to hold these hearings on the colonial case of Puerto Rico, through which it can gather information on recent political and legal developments in the relations between Puerto Rico and the administering Power, the United States of America. The continued examination and consideration of this case is telling proof that in the eyes of the international community the people of Puerto Rico continue to be subjected to a regime of political subordination and, therefore, a major exception to the full implementation of General Assembly resolution 1514 (XV).

In November 1993, the colonial Government, which favours annexation, held a referendum in Puerto Rico to determine preferences as to its political status. Although the referendum, which was not binding under either international or United States law, was biased in favour of annexation, that spurious choice was defeated. The combined forces of those favouring greater autonomy through changes in the present regime and of those of us who favour independence and who participated in the voting exceeded 50 per cent of the votes. The results were conveyed to the Congress and the President of the United States, with an appeal from the Puerto Rican legislature that Congress should respond to them. The grounds for the holding of the local-government-sponsored referendum in November 1993 was precisely the reluctance of Congress in 1991 to adopt legislation on holding a plebiscite under United States auspices and its view that the Puerto Ricans themselves should be the ones to take the initiative to propose changes to the relationship.

Although early in 1994 the office of the President of the United States announced that it would set up a special interagency committee mandated, *inter alia*, to recommend to the United States Government a course of action on Puerto Rico on the basis of the results of the 1993 referendum, it was not until the beginning of 1995 that the inter-agency committee was formally established. According to its own sources, the committee has begun its work and will have met with all the main political parties by the beginning of next month, when the Independence Party will appear in response to an invitation issued to it. To date, there is not the slightest indication of any particular date by which the committee intends to complete a report containing recommendations.

This lack of effective action on the part of the executive branch has been compounded by the absence of concrete congressional initiatives in response to the result of the poll. The United States House of Representatives committee that has jurisdiction over Territories and possessions and which is now under the control of the Republican Party has announced that it will hold hearings, to begin in September, to hear opinions in Puerto Rico and the United States with a view to introducing legislation in response to the result of the poll. This could be an opportunity to reactivate the deliberative and investigative process in Congress with respect to the political future of Puerto Rico. It might also establish the right political atmosphere for encouraging the inter-agency committee to take a meaningful stand on the issue, since without a doubt the Congressional Committee will request the views of the White House in the hearings.

These developments — which are potentially positive, since we believe without false hope in the need to encourage a review of the case of Puerto Rico by the United States Government — have come about largely in spite of the efforts of the annexationist Government and the official representatives of the party that sponsors the present colonial regime, which would prefer that the subject of the status of Puerto Rico not be discussed in the United States Congress or Government. The former fear that such a discussion would result in a rejection by Congress of the very possibility of annexation, while the latter fear that the conclusion of any deliberation would ultimately discredit the present regime of political subordination.

Those of us who have some experience in addressing the issue of Puerto Rico's political status know that there are no grounds for heroic optimism. But we also know that we should not overlook any opportunity to strengthen our hold in the area of debate on Puerto Rico in the United States, if only because the forces among us who favour genuine decolonization have no better instrument available at present than the stimulation and promotion of an awareness in the United States of the contradictions and dangers involved for that country of perpetuating colonialism or of any possible future initiative in favour of annexation.

The time is therefore ripe for an attempt to be made, both by the international community and by those sectors of the United States Governments that most clearly discern that need, to initiate positive steps on the need for Puerto Rico to transcend its present colonial

status. One step in that direction would certainly be the decision to release Puerto Ricans imprisoned for activities relating to the struggle for Puerto Rican independence. Such a decision would not only be an act of justice and a gesture of reconciliation with the Puerto Rican independence movement, which has been ferociously persecuted and harassed in recent years; it would also be an acknowledgement of the political and economic changes in the world and the region that require a new attitude in the United States towards Puerto Rico and the appropriateness and legitimacy of its aspiration to exercise its full sovereignty. My party is pledged to carrying out those effective steps within the governmental and political world of the United States in order to win such a decision on political prisoners.

I am confident that next year — especially once the question of the presidential candidates of the respective United States political parties has been settled — we shall see an intensification of the debate on Puerto Rico in the United States. We will also see emerging with greater clarity the parameters of a settlement of the colonial case of Puerto Rico.

In this process, the attitude of vigilance and persistence demonstrated by this Committee — a repository of morality and international public opinion — should serve as a spur to ensure that this process, in this International Decade for the Eradication of Colonialism, culminates in full sovereignty and independence for the people of Puerto Rico.

Mr. Martín withdrew.

At the invitation of the Chairman, Ms. Jennifer Green (Center for Constitutional Rights) took a place at the Committee table.

The Chairman: I now call on Ms. Green.

Ms. Green (Center for Constitutional Rights): I am a staff attorney with the Center for Constitutional Rights (CCR). The Center has long worked to support Puerto Rican independence and against the government repression of activists working to end United States colonization. This year, with only minor variations, the repression continues unabated. The United States Government continues to imprison and harass activists who have advocated Puerto Rican independence, to deny activists and family members of those murdered access to government records, and to deny individuals the right to claim their own citizenship. Police officials continue to abuse their authority. The United States military continues its destructive presence and the Navy has plans for a new radar system which promises to wreak additional environmental and economic havoc.

Concerning the detention of those fighting for Puerto Rican independence, CCR, the American Association of Jurists and Offensiva '92, a Puerto Rican amnesty group, filed a petition before the Inter-American Commission on Human Rights of the Organization of American States (OAS) in October 1993 on behalf of 15 Puerto Rican political prisoners, most of whom have been imprisoned since 1980. This year we have provided the text of this petition to the Special Committee. We urge its members to consult this document, which also provides a summary of the legal arguments about the illegality of the colonization of Puerto Rico.

The OAS petition asserts that the criminalization of political activities and the continued imprisonment of the *independentistas* violate the Charter of the Organization of American States, the American Declaration of the Rights and Duties of Man and customary norms of international human rights law.

The men and women prisoners were given excessive, politically punitive sentences which were grossly disproportionate compared to those of non-political defendants. For example, 11 of the 15 prisoners who were convicted of seditious conspiracy and related offences received an average sentence of 70 years, while the average sentence between 1966 and 1985 for all persons convicted of homicide in the United States was 22 years, for rape 12 years, and for weapons and firearms violations four years.

In addition to the length of the sentences, the *independentistas* were placed in special isolation or solitary confinement prison units, such as the notorious Lexington women's prison, and suffered physical abuse, punitive transfers and other discriminatory treatment. Prison conditions at Lexington and in the Marion, Illinois, maximum security prison for men have been censured by such international human rights organizations as Amnesty International. This documentation has been submitted with the OAS petition and can be supplied to this Committee. Today, one of the prisoners, Oscar López-Rivera, languishes in the new special federal high-security prison in Florence, Colorado.

The petition requests that the Inter-American Commission accept the cases of the prisoners for review

and then direct the United States Government to release them or, at a minimum, allow them to be exiled to a country whose Government is prepared to grant them political asylum.

The documents submitted to the OAS include statements in support of the political prisoners by organizations and individuals including the Commonwealth of Puerto Rico House of Representatives and Senate, former New York City Mayor David Dinkins, the International Association Against Torture, the International Association of Democratic Lawyers, the National Conference of Black Lawyers, the National Council of Churches of Christ in the USA, the National Lawyers Guild, the United Church of Christ, the United Methodist Church and the University of Puerto Rico Department of Psychology.

As members of the Committee are no doubt aware, to present a claim to the Inter-American Commission, petitioners must show that they do not have an effective remedy in United States courts. Supplemental submissions were made to the OAS Commission with these arguments in January and September 1994. One indication of the hostility of United States courts to the claims of the *independentistas* is the ruling that arguments about the international law of decolonization are "irrelevant". This limitation severely hampers the right to due process of Puerto Ricans struggling for independence.

Other attacks on activists continue. One of them is the practice of illegal political surveillance, notwithstanding its clear and firm prohibition by the Supreme Court of Puerto Rico. Activists continue in their efforts to obtain United States Government documents, and Government authorities refuse to disclose the full extent of their illegal activity.

Last year, cabinets full of political intelligence files that the Supreme Court had ordered returned to their subjects or destroyed were found in the police departments of Mayaguez and Arecibo. Other political intelligence files have been maintained by the intelligence division of the Puerto Rican telephone company.

The United States Government also continues to withhold documentation about past attacks on activists. To cite just one example, in 1976, Santiago Mari Pesquera, a pro-independence activist, was assassinated at the age of 23. One person was convicted for his murder, but in 1984, the district attorney involved in the original investigation argued that there was a possible cover-up and that the murderer had met privately with a Central Intelligence Agency agent. CCR represents Santiago's father, Juan Mari Bras, in his efforts to obtain the files and any other information from the United States Government about his son's murder.

Police misconduct and the suspension of civil liberties represent another issue. Public housing projects in Puerto Rico have been taken by assault and occupied by the National Guard — trained and financed by the United States Armed Forces — in violation of fundamental human rights as provided for in the United States and Puerto Rican Constitutions and international human rights law. The Governor of Puerto Rico claims an inherent power to suspend normal constitutional guarantees and to use military force to control the civilian population.

The United States Government continues to deny Puerto Ricans one of the most basic human rights: the right to determine one's own nationality. Hundreds of Puerto Ricans affirm their Puerto Rican nationality by signing sworn affidavits seeking to renounce United States citizenship and claim that of Puerto Rico. The United States refuses to recognizes the gesture. Again, the case of Juan Mari Bras is illustrative. Last July, Mr. Mari Bras presented himself to the Venezuelan embassy and renounced his United States citizenship. According to United States immigration officials, this gesture, when certified by the United States Government, results in the status of "foreign undocumented national", not in a recognition of citizenship of Puerto Rico. However, to date, the United States State Department is still refusing to recognize Mr. Mari Bras's exercise of his right to renounce his United States citizenship.

Puerto Rico continues to serve as a military testing and proving ground for United States weapons and methods of warfare, to the detriment of the people whose land and livelihood is taken.

The United States Navy is currently developing the Lajas project, which, as my colleagues have mentioned, is a system for the detection and control of drug-related illegal activities. It is planned to build the radar centre in the heart of the fertile agricultural south-western town of Lajas, and the centre consists of a transmitter and receiver separated by at least 50 miles. The project will involve locating 744 receiving antennas, each 19 feet high, through 200 acres of sugar cane, alfalfa, rice and cattle fields.

The transmitter will be built on Vieques, a 33,000-acre island 50 miles off the eastern coast. Residents say the transmitter would hurt a budding tourism industry being developed to offset a 50 per cent unemployment rate. The opposition to the transmitter builds on resentment of the United States naval base that already covers two-thirds of the island.

Recently, the Navy invited the Mayor of Lajas and some Puerto Rican farmers to Virginia, where hundreds of antennas sprout from the fertile Virginia valley. The purpose was to gain acceptance for the Lajas project. But after looking at the Virginia valley, the Mayor of Lajas said:

> "They are not going to do that to our valley. The valley should be saved for farming, not antennas".

On July 2 of this year, thousands of people demonstrated in Lajas against the Navy's plan. Among the demonstrators were religious officials, politicians and environmentalists. The Committee for the Rescue and Development of Vieques recently condemned the project to built the transmitter. According to a recent statement, microwaves produced by this type of transmitter present a grave potential danger to the environment and the health of the community and attack the physical integrity of historical cultural resources.

The United Front for the Defense of the Lajas Valley is another organization created by individuals of various political, religious and social sectors for the purpose of preventing the development of the Lajas project. One of the reasons they cite is the current agricultural development in the Lajas valley: the only irrigation system in use in Puerto Rico is located there. In addition, the group points to various studies that have shown the health problems caused by electro-magnetic fields.

The Caribbean Project for Justice and Peace has also denounced the United States plans to install the radar system. They contend that such a project represents a threat to national security and call on public officials to evaluate the impact of the radar on the Puerto Rican people.

The Industrial Mission of Puerto Rico Incorporated, an organization in defence of natural resources and the environment, recently published a commentary that posed some questions about the proposed radar project. It highlighted the lack of analysis of possible electro-magnetic contamination, the lack of clarity about whether the project will be used for military purposes, and the potential conflict of interest between the governmental agencies involved in the design and construction of the project and the agencies that will prepare the environmental impact statement.

Privately, United States federal officials say opposition will have little effect on the project, which is backed by the Clinton administration as the newest weapon in the fight against drug trafficking.

In addition to the Lajas project, other planned United States actions are producing detrimental effects on the Puerto Rican environment and economy.

The United States Congress recently approved a project that provides some $20 million for a river dam designed to facilitate industrial development. According to activists in Puerto Rico, this project would not be tolerated in the United States because of the success of the environmental movement in increasing awareness of the fact that the losses are so much greater than the gains in dam projects.

A national strike is being scheduled for the end of this month as a result of a bill pending in the legislature that seeks to limit the minimum wage for some sectors of the community. In addition, the legislature is attempting to create the "flexible shift", or split shift, which would eliminate overtime pay. This is yet another example of the Puerto Rican Government's efforts to bring its laws into accord with some of the worst current trends in the United States. This seems to be designed to prepare Puerto Rico for statehood, against the wishes of the Puerto Rican people.

At this session, we urge the Special Committee to consider a call for: the end of the illegal United States colonization of Puerto Rico; the immediate and unconditional release of all Puerto Rican political prisoners and prisoners of war; an immediate end to the collaboration, including training and financing, of the United States military and police forces with those of Puerto Rico; an immediate end to all repression and surveillance of political activists; the immediate release of all documentation pertaining to illegal and repressive United States Government activities; and finally, the immediate cessation of the Lajas radar project and all other encroachments on the territorial sovereignty of Puerto Rico.

Ms. Green withdrew.

The Chairman: The Committee has thus heard the last petitioner.

In keeping with the decision adopted at its 1442nd meeting, on 10 July 1994, the Committee will defer consideration of the question to its 1996 session.

Question of New Caledonia (A/AC.109/2028 and A/AC.109/L.1834)

The Chairman: In connection with this item, the Committee also has before it a draft resolution co-sponsored by Fiji and Papua New Guinea, contained in document A/AC.109/L.1834, which was circulated on 11 July.

I call on the representative of Papua New Guinea to introduce the draft resolution.

Mr. Samana (Papua New Guinea): I am grateful for the opportunity to present the draft resolution on the question of New Caledonia.

As members of the Committee will have noted, the draft resolution is basically no different from the resolution that was adopted by the General Assembly last year. There is only a minor change to paragraph 3, where, this year, there is no reference to the details of nickel mining activities at Kopeto and other economic activities. What is retained in the current formulation of paragraph 3 welcomes, in a general sense,

> "measures that have been taken to strengthen and diversify the New Caledonian economy in all fields, and encourages further such measures in accordance with the spirit of the Matignon Accords".

As will have been noted, the draft resolution, in its preambular and operative paragraphs, acknowledges the cooperative efforts of all parties concerned in the development of New Caledonia to prepare the peoples of the Territory for their eventual act of self-determination in accordance with the Charter of the United Nations and in keeping with the spirit of the Matignon Accords.

In promoting the draft resolution, my delegation wishes to thank the members of the international community for their understanding and support, and the members of the Special Committee for the positive manner in which they have dealt with the question of New Caledonia over the years.

The Committee will recall that during the Caribbean regional seminar on the mid-term review of the International Decade for the Eradication of Colonialism, which was held recently in Trinidad and Tobago, expert presentations on the current situation regarding New Caledonia highlighted a number of very important factors, of which I believe most members of the Committee are well aware. In our assessment of the involvement of foreign investment activities, particularly in the mining sector, in New Caledonia, it was noted that these have had serious adverse effects on the environment and, consequently, have had an impact on the subsistence lifestyle of the Kanak population, denying them their rights to land resources and the development of their real potential through diversification. Such concerns are well taken care of in the draft resolution.

The situation in New Caledonia is indicative of the perpetuation of a colonial situation in which the indigenous population is denied the capacity effectively to influence decisions pertaining to the protection of its legitimate interests. In this connection, and in a broader perspective, I should like also to bring to the Committee's attention the fact that the continuing colonial situation in New Caledonia has permitted the maintenance of military installations and the activities of the French Government in the field of nuclear testing in the Pacific, which is a direct threat to the survival of all Pacific islanders.

The peoples of the South Pacific and their Governments strongly aspire to nuclear-free status for their region. A free New Caledonia working in partnership with the rest of the nations and peoples of the South Pacific is a desirable situation that could safeguard the interests of all South Pacific islanders. I therefore urge the international community to continue to support the cause of New Caledonia, in the interests of the right of all sectors of the community to determine their destiny in a manner that will meet their wishes and in harmony with their neighbours.

Finally, I wish once again to thank the members of the Committee for their continued backing and their understanding of the question of New Caledonia and to commend the draft resolution for their adoption.

The Chairman: As it appears that no other member wishes to speak on draft resolution A/AC.1/L.1834, may I take it that the Committee is prepared to adopt it without a vote?

Draft resolution A/AC.109/L.1834, was adopted (A/AC.109/2034).

The Chairman: The Committee has thus concluded its consideration of this item.

One hundred and second report of the Working Group (A/AC.109/L.1835)

The Chairman: I wish to draw members' attention to a typographical error. The document is entitled "One hundred first report ..." instead of "One hundred second report ...".

Are there any comments on the report?

Mr. Chtcherbak (Russian Federation) (*interpretation from Russian*): Unfortunately the delegation of the Russian Federation was denied the chance to participate in the meetings of the Working Group and, therefore, was unable contribute to the preparation of its report. As we see it, the document that the Working Group adopted repeats to a large extent the content of the previous report and inadequately reflects the constructive efforts of the members of the Committee to restructure the report in a spirit of new, flexible and progressive approaches in keeping with current needs and the Committee's mandate.

It is precisely for that reason that my delegation, guided by the need further to streamline our work and to make it more effective, and to enhance the Committee's prestige and authority, would like to propose a number of amendments to the text that the Working Group prepared.

Before putting the amendments to the Committee for discussion I should like, through you, Mr. Chairman, to ask the Secretariat to clarify some points.

First, could the Secretariat provide some comparative indicators as to the numbers and length of meetings of the Special Committee of 24, the Subcommittee and the Working Group over the past two years?

Secondly, how much does the Secretariat estimate that we would save by dropping the practice of having a separate working document on each issue, in favour of a consolidated document, in line with the new approach of the Subcommittee on Small Territories, Petitions, Information and Assistance?

Thirdly, what savings might be achieved if the working documents of the Committee's secretariat were to cover a period of two years, with annual emendations to reflect really new and truly important events?

To facilitate our work, I should like to have some responses to my questions and then to put on the table for discussion, paragraph by paragraph, the proposed changes to the Working Group's report.

The Chairman: I call on the Secretary of the Committee.

Mr. Dmitrichev (Secretary of the Committee): With the regard to the questions addressed to the Secretariat by the delegation of the Russian Federation, I am in a position to say the following.

The first question related to the number of meetings of the Special Committee, its Working Group and the Subcommittee held in 1994, as compared with those meetings held or to be held in 1995. In 1994, the Special Committee held 12 meetings altogether. The first was held in February of that year and the substantive session was held from 11 to 15 July. One more meeting was held in September. In 1995, the Special Committee will have held 10 meetings as of the end of this session tomorrow afternoon. Of course, we may need one or two meetings at the end of August or in early September, as was the case last year. The Working Group of the Special Committee held two meetings last year and one meeting so far in 1995. The Subcommittee held 15 meetings in 1994 from 23 February to 7 June. In 1995, the Subcommittee held 15 meetings from 22 May to 6 June.

As to the second question concerning the possible savings if, for instance, all the working papers which have so far been produced individually were consolidated in one document, it may appear that one could make savings by incorporating a number of papers into one single document. But this would amount only to saving on title pages and perhaps on the blank pages which are sometimes inevitably left at the end of each document.

The third question was whether we could economize by issuing documents biennially with annual up-dates instead of issuing them each year. Again, it may appear at first glance that there would be some savings because the up-dated papers issued each year would inevitably be shorter and thus would not include the background material which documents issued in their current form often contain. Sometimes it is necessary to refer to previous documents in order to make the present information more understandable and to provide a context

for comparing either figures or events. If that is the approach, we may expect some savings to a certain degree, but I do not think that at this point we can say for sure that they would be substantial. We also do not know what the content of those papers would be in each given instance. But that is as far as we can respond to the questions posed by the representative of the Russian Federation at this stage.

Mr. Chtcherbak (Russian Federation)(*interpretation from Russian*): Before presenting my amendments, I wish to quote several excerpts from the statement of the Secretary-General of 22 June 1995 on the financial situation of the United Nations:

(*spoke in English*)

> "On 31 May 1995, the Organization had debts of about $1.5 billion. ...
>
> "The situation has been aggravated by the growing practice of Member States to call for new or expanded United Nations activities, without appropriating the resources to carry them out. These unfunded mandates further deplete the very limited cash resources of the Organization.
>
> "This means that I am being pressured to engage in irresponsible financial management. In other words, I have been given the authority to spend money that I do not have, without a clear assurance that the necessary funds will be provided. I am expected to use funds appropriated for one mandate to finance another, unfunded, mandate. ...
>
> "I have submitted a proposed programme budget for 1996-1997 which entails negative growth. ...
>
> "I ask that you urgently address every possible way of relieving this financial crisis. ...
>
> "We must find some combination of measures that can improve this deplorable situation. Member States have numerous proposals on the table for discussion. I ask you to endorse any or all of them or to come forward with proposals of your own.
>
> "Should we fail to find a solution, the United Nations will commence its fiftieth anniversary as a debt-encumbered Organization lacking the financial resources to carry out the mission that Member States intend it to perform." (*SG/SM/5655*)

(*spoke in Russian*)

I quoted those gloomy lines from the Secretary-General's statement in order to draw the attention of Committee members to the situation that has developed in the United Nations. My delegation hopes that our Committee, like other bodies of the Organization, will consider how it may more reasonably and economically organize its work. I am absolutely convinced that our Committee, too, can make the efforts necessary to rationalize its work even further and do so without detriment to the effective performance of its mandate.

I should now like to proceed to those minor amendments which my delegation would like to propose to the text of the report (A/AC.109/L.1835). My delegation would suggest a slight amendment to the last sentence of paragraph 4 to make it read as follows:

(spoke in English)

> "The Working Group also recommended that budgetary provision for the activities referred to above would be made, as appropriate, by the General Assembly."

(spoke in Russian)

As members will see, this is a minor amendment that will handicap neither the Organization nor the Committee. At least the language is more flexible and avoids modal verbs such as "should", in this context.

The second amendment relates to paragraph 5, the first sentence of which refers to resolution 49/221 of 23 December 1994. My delegation feels that there must also be a reference to resolution 48/228 of 23 December 1993, entitled "Questions relating to the proposed programme budget for the biennium 1994-1995". I would recall that the resolution concerns the rational use of resources.

We propose our third amendment in the light of the reply from the Secretariat to our question about how many meetings we held last year and how many we shall have held this year. That information shows th t, while our sessions have been compressed into a shorter time, the number of meetings has not decreased. Hence, the statement in the report that

"the Committee had been able to curtail considerably the number of its formal meetings" (*A/AC.109/L.1835, para. 5*)

is incorrect. My delegation therefore proposes replacing the second sentence of paragraph 5 with the following text, which we believe more accurately reflects the situation:

(spoke in English)

"The Committee continued its efforts to streamline and organize its work effectively, which resulted, in particular, in the more compressed session of its Subcommittee on Small Territories, Petitions, Information and Assistance in 1995".

This wording can be refined later; we are just talking about the substance now.

(spoke in Russian)

My delegation also proposes the following addition to the last sentence of paragraph 5, following the word "resources":

(spoke in English)

"in accordance with the request of the Secretary-General to all Member States in connection with the critical financial situation of the United Nations".

(spoke in Russian)

In paragraph 6 (b), my delegation would like to clarify the heading "Subsidiary bodies" by replacing it with the heading "Subcommittee and Working Group".

Turning now to section 4, we propose an addition to the second sentence of paragraph 8 and an additional final sentence. The two sentences would now read as follows:

(spoke in English)

"The Working Group recommended that, consistent with the goal of limiting documentation, the Special Committee should streamline and consolidate the working papers prepared by the Secretariat and its report to the General Assembly. In this context, it is recommended that, starting from 1996, the Secretariat would produce one consolidated working paper on all Non-Self-Governing Territories allocated for consideration by the Subcommittee, in conformity with the 1995 report of the Subcommittee, contained in document A/AC.109/L.1829".

(spoke in Russian)

Turning to the final sentence of paragraph 9, I propose replacing the words "to maintain its verbatim records" with new text. The sentence would now read as follows:

(spoke in English)

"Having reviewed the need for such records, the Working Group decided to recommend to the Special Committee to replace its verbatim records by summary records, as has been implemented by the Special Political and Decolonization Committee (Fourth Committee)".

(spoke in Russian)

I do not think I need explain to members that this would result in substantial savings. Moreover, other committees have moved to this practice, including the Main Committee that will be considering our reports.

I turn now to paragraph 10. It seems to me that in its current form it does not reflect the substance of our discussions in the Committee and in the Subcommittee.

As we approach the mid-point of the International Decade for the Eradication of Colonialism, clearly it is time for us seriously to consider ways in which we might make some headway in carrying out our task. One such means might be to remove from the agenda certain issues that are no longer of substantial interest from the point of view of the terms of reference of our Committee. Therefore, paragraph 10 should read as follows:

(spoke in English)

"Following the conclusions and recommendations contained in the report of the Caribbean Regional Seminar on the Mid-Term Review of the Implementation of the Plan of Action,"

— here we should make reference to the number of the document —

"the Special Committee should include on the agenda of the 1996 session an item entitled

'Question of the list of Territories to which the Declaration is applicable'".

(spoke in Russian)

Of course, this does not mean that we must take a decision in 1996, but I do think that the Committee must take a close and painstaking look at the situation in each Territory from that standpoint. We feel that this would be in the interests not only of the Committee, but also of the implementation of its mandate, especially considering that there are only five years left until the end of the International Decade for the Eradication of Colonialism and that the year 2000 is our deadline.

I should like now to read out my last amendment. This would be a separate new paragraph, to be the final paragraph of the report, reading as follows:

(spoke in English)

"In view of the continued need for new and practical approaches to discharge effectively the mandate entrusted to the Special Committee, it is recommended that the meetings of the Bureau and the Working Group be open-ended."

(spoke in Russian)

I think everyone understands what this amendment means: at key stages in the work of our Committee, the meetings of the Bureau and of the Working Group should be open-ended. Otherwise, there could be a recurrence of the situation where my delegation was deprived of the possibility of speaking in the Working Group. We are thus compelled to consider amendments by our delegation not in the Working Group but at a meeting of the Special Committee itself. I believe this practice would enhance the effectiveness of the work of our Committee, of its Bureau and of the Working Group.

The Chairman: I see that Cuba wishes to speak. However, I should like to appeal to Cuba instead to speak first thing tomorrow morning so that we can conclude now, because we have already exceeded our time.

Mrs. Cueto (Cuba) *(interpretation from Spanish)*: Mr. Chairman, I will accede to your request to be brief and to speak tomorrow morning because you are right, the hour is indeed late — not only for the interpreters but also to submit any substantive proposal affecting the work of this Committee, as we just did. My delegation would be absolutely delighted to speak tomorrow. This does not mean, however, that tomorrow we will be able to reach a meeting of the minds on this issue.

The Chairman: I hope that we can be optimistic enough to believe that we will make some progress tomorrow.

The meeting rose at 6.35 p.m.

United Nations A/AC.109/PV.1448

General Assembly

Official Records

Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

1448th Meeting
Friday, 14 July 1995, 10 a.m.
New York

Acting Chairman: Mr. Bangura . . . . . (Sierra Leone)

The meeting was called to order at 12.05 p.m.

One hundred and second report of the Working Group (A/AC.109/L.1835) (*continued*)

Mrs. Cueto (Cuba) (*interpretation from Spanish*): The delegation of Cuba, along with the delegation of the Russian Federation and undoubtedly like all delegations present, is well aware of the controversial discussions that have been taking place in the High-Level Open-Ended Working Group on the Financial Situation of the United Nations. We have carefully read the Secretary-General's appeals to all Member States to help find an appropriate and prompt solution of the financial situation of the Organization. It must be asked, however, whether it is up to this Committee alone to take specific steps in response to this situation or whether the Russian Federation's appeal should be directed primarily to those Member States, major contributors, that have enormous arrears with the Organization. They are not exactly the States that are seated around this table as members of the Special Committee.

We have studied carefully the amendments proposed to the report by the Russian Federation, because we wished to determine the extent to which the Russian Federation had committed itself to the financial and budgetary salvation of the Organization. We believe it should be noted that, from a purely procedural standpoint, the positions taken by the High-Level Working Group are not as yet decisions, strictly speaking, much less adopted resolutions. The discussion that has been taking place within that Working Group in no way represents instructions to the United Nations or directly to any Committee such as ours.

Although the Russian representative submitted substantive amendments at a very late stage after lengthy discussions, my delegation tried to pay the greatest possible attention. But I believe that it might not be superfluous if that delegation were to repeat them to assist our consideration. We have some general comments on Cuba's substantive position relating to the future and nature of this Committee and not on specific amendments. Rather than commenting on those amendments one by one — and I would repeat that, because of the lateness of the hour, it was very hard for us to take them down in full — we would like to state our substantive position on the proposals made by the Russian Federation.

First, we wish to indicate that when the Russian representative proposes that the appropriations necessary to support the activities of this Committee should be made "as appropriate", my delegation believes that the wording is superfluous and redundant. In view of the situation facing the Organization, if we state that the provisions for the activities of the Committee should be those that are necessary, it would not be accurate to say "as appropriate" as well because, if we were to do this, we would run the risk of eliminating the necessary provisions of the Committee by implying that we no longer need them. My delegation is therefore content with the current wording of paragraph 4.

With regard to the number of meetings held by the Committee last year and this year, we believe that the Committee's current session demonstrates clearly that, despite its heavy workload, there has been a marked reduction in the time provided for its activities. We are

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This record contains the original texts of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Section, room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

trying to do our work in just one scant week, although we all realize that the matters with which we are dealing are of great importance to many Territories and States members of the Special Committee.

For example, with regard to the decrease in the number of meetings and travel, it has to be said that there was no increase in expenditure this year. Judging by the comments of the petitioners who have appeared before the Committee realize the relevance and the need to increase the number of missions to the various Territories. The entire budget for the Committee's activities grew by only 0.8 per cent, and there was no increase in the expenditure on travel. We believe that it would be wrong at this stage to put limits of this kind on ourselves, taking into account the fact that the Committee, unlike other United Nations bodies, has been quite austere in its expenditure.

I should like now to make some comments on documentation. We are aware of the fact that in the Fifth Committee an appeal has been made to this Committee to review its documentation procedures. We have been asked to decide whether it is necessary to maintain verbatim records or whether we should have summary records instead. Cuba's position on this question is that we are approaching a critical stage with regard to the mandate and functions of the Special Committee and that it is important that, far from submitting just a brief report of our proceedings concerning the various Territories, we should retain the current system of documentation. In other words, we believe that it is necessary to retain the verbatim record, rather than have some sort of compilation or rapporteur system of dealing with the problems in the Territories — quite the opposite.

We have been very flexible. A look at the Committee's records will show that the resolutions on the various Territories have been considerably tightened up, in letter and in spirit. Therefore, I do not believe that we should agree to having brief, general documentation which would not really reflect the real situation in the Territories that the Committee addresses.

With regard to a possible revision of the list of Territories to which the Declaration applies, my delegation emphasizes that in the mid-term review this list was adopted as it stands — that is, with 17 Territories — under General Assembly resolutions 45/253 and 47/214. We do not overlook the possibility that that list will be reviewed, but, at least for the time being, the Committee should not take a hasty decision on this matter. The very history and future of the decolonization process should dictate whether or not the list is shortened. For the time being, the delegation of Cuba takes the view that the list of Territories to which the Declaration on the Granting of Independence to Colonial Countries and Peoples applies should be retained as it stands.

These, in broad outline, are our comments on the amendments proposed by the Russian Federation.

We would like to point out that the rules of procedure that govern the Committee's work provide a broad umbrella covering a wide range of activities that we wish to undertake. General Assembly resolution 1514 (XV) — generally, but specifically in paragraph 6 — is wide in nature and gives this Committee a broad mandate. We should remember this, as that resolution not only deals with the Non-Self-Governing Territories, but also gives the Committee latitude to consider many other matters.

Despite the negative constraints that have been imposed on us in recent times, my country will advocate in any arena or any forum that this Committee's work should be strengthened, because we believe that the process of decolonization is not complete, but is an ongoing process in which much remains to be done. In this respect, many Territories and many peoples of the world look with hope to the Committee. Yesterday I was somewhat distressed to hear a comment made by a petitioner, who said that this body would appear to be a Committee of petitioners rather than the Special Committee. Cuba would regret such a situation and hopes that it does not exist. As a country, we have made our contribution to enhancing the Committee's credibility, and we shall continue to do so.

Although, as a country and as a delegation, we recognize the needs and pressures of the financial situation and take note of the Secretary-General's appeals, we believe that introducing, precipitately and almost at the last meeting of the session, amendments which, in practice, would question and revise all our procedures and rules of operation and the Committee's very mandate and *raison d'être* is not, and never will be, the most appropriate way of helping to resolve such a crisis.

Lastly, although the Cuban delegation respects the right of any delegation to present amendments at any point in the negotiations, we would like to point out, as a member of the bureau of the Committee, that Cuba believes that the negotiations and consultations that we

hold in the Committee must be sufficiently transparent to enable any Member State or anyone else to participate in them. If at any stage they are unable to do so, they can submit ideas and suggestions directly to the bureau or to you, Mr. Chairman, whose approach is characterized by enduring transparency. It is important that substantive amendments that make a great impact on the work of the Committee should be considered at the proper time, and not in a hasty, last-minute fashion, as in this case.

I am sure that members know that Cuba speaks with candour in all international forums. We have always taken pride in the transparency, professionalism and impartiality that have prevailed in the United Nations Secretariat, which has strictly respected the code of conduct to be followed by international civil servants. But it has to be said that this is not always the case in the Special Committee of 24. The representative of the Russian Federation has been extremely active, and we have noted that several members of the Secretariat, notwithstanding the fact that they should be displaying impartiality, seem to be acting as if they were full members of that country's delegation.

To be sure, the Cuban delegation has taken note of this attitude, but we are flexible. We believe that this flexibility should be reciprocated: members of the Secretariat can have an influence over members of delegations, through either written or oral communication; but we also believe that delegations, through the Secretariat, can transmit to the Bureau or to the Chair proposals directly connected with the future and the very existence of the Committee, so that these proposals can be considered by the entire Committee in the proper manner. We are ready to put forward all necessary arguments in support of our position; we believe that the ethics by which the international civil service should be governed are clearly defined. We feel that Cuba has been sufficiently flexible on this matter.

Mr. Chtcherbak (Russian Federation) (*interpretation from Russian*): I thank the representative of Cuba for stating her delegation's position on this question. It is clear that the Cuban delegation has not correctly understood me, and I want first of all to repeat something I have already said. My delegation offered its amendments in plenary meetings of the Committee, not in haste, but because it did not have an opportunity to do so in the Working Group. We were deprived of that opportunity. That is why my delegation was obliged to introduce its amendments in plenary meeting.

Secondly, I wish to emphasize that I introduced my amendments in the expectation that their substance would be discussed and that the Committee would waste no further time on general statements. When we talk about the need to enhance the effectiveness of the work of the Committee, we are thinking of all aspects of this question, from the substance of the documents we produce to the organization of our work. Unfortunately, the way in which some members of the Committee relate to the task of enhancing the effectiveness of our work is illustrated all too clearly by our having begun this meeting two hours late. Moreover, this creates a situation where delegations are unable to address other important issues. It holds up the work of our session, and it leads to unproductive and excessive costs for the Organization. I would have thought that a two hour delay in starting a Committee meeting would represent a substantial amount of money.

I urge that we move from general statements to a discussion of the draft document before us, and I shall make a few comments on that document.

With respect to paragraph 9 and to my delegation's position in favour of replacing verbatim with summary records, I would note that this reflects the practice established by the Special Political and Decolonization Committee (Fourth Committee), a practice that has proved its usefulness in other areas of the Organization as well. I would think that the Secretariat staff are sufficiently well qualified to prepare summary records that give a clear account of the positions expressed by delegations. But if any delegation wants to use verbatim records for its own propaganda purposes, I do not think the Organization ought to pay for such activities. While some may want to engage in propagandistic activities, my delegation for its part just wants to get on with the job. Every delegation has the right to produce its own press releases and to use other means to publicize its views.

Turning to paragraph 10, I apologize to members of the Committee; I wish to offer a new amended version of that paragraph, which I have supplied in written form for circulation to members. Let me explain its purpose. My delegation emphasizes that not one of the amendments it has introduced is the fruit of its own creativity. All that my delegation has tried to do is to summarize and synthesize the proposals put forward by Committee members over a long period of time, as reflected in the recent seminar held in Trinidad and Tobago and in its decisions. This, and particularly the consensus conclusions and recommendations of the seminar, is

wholly applicable to what my delegation has to say about paragraphs 3, 10, 14 and 24.

I should none the less like to explain precisely what my delegation had in mind when it proposed its amendments to paragraph 10. In 1995, we are at the mid-point of the implementation of the Plan of Action of the International Decade. Next year, there will only be four years left of the Plan period. My delegation feels that the time has come to take a careful and detailed look at those matters with which our Special Committee is concerned, particularly with regard to the work of its Subcommittee.

Our sole purpose is not to delete any Territories from our agenda, but constructively, carefully and attentively to examine their progress towards our general objective, the implementation of the Plan of Action and the overall fulfilment of the Declaration on the Granting of Independence to Colonial Countries and Peoples. That is the purpose of my proposal.

In my delegation's view, such a careful and comprehensive analysis — of course, on the basis of documents to be prepared by the Secretariat and with the possible involvement of the administering Powers — would tend to stimulate the work of our Committee towards the accomplishment of the tasks entrusted to us under our mandate. The intention of my delegation and the aim of its work in the Committee is to accelerate decision-making on the Committee's tasks and to enhance the effectiveness of its work in the interests of achieving the aim for which it was established. My delegation urgently requests the members of all other delegations to understand that this was our motive.

Mr. Mwambulukutu (United Republic of Tanzania): Since I am speaking for the first time, allow me to congratulate you, Sir, on your assumption of your important responsibility as acting Chairman of our Committee. Let me also commend the role played by Ambassador Pursoo, who unfortunately had to leave owing to unforeseen circumstances.

I am among those people who came here rather late. I make the point that it was not deliberate. I was doing other work for the United Nations and I apologize for the expense I am incurring and the inconvenience I may be causing to some representatives.

My comment is going to be a general one, like those of other speakers. I too noted the very useful and ingenious amendments introduced by the delegation of the Russian Federation yesterday. Unfortunately, as we left at the eleventh hour last night we did not have the actual text. I am therefore trying to decipher my own notes and I come to the conclusion that, well-intentioned as these amendments are, they actually serve to hold back our work even further and cost us a lot more.

As for the general references to the question of costs, and particularly to the Secretary-General's statement on the financial situation of the United Nations, like the Cuban representative I have the feeling that this matter is being adequately dealt with elsewhere. As far as my delegation is concerned, that statement constituted an appeal to Member States to meet all their obligations and pay their dues on time. It was particularly directed to countries with arrears, some of which also happen to be entrusted with the responsibility for decisions which affect the entire membership of the United Nations. We should all pay accordingly.

Since, as I said, my remarks will be general, I must honestly state that the changes being introduced are very useful but will not greatly alter the text. It is a question of emphasis rather than substance, as far as my delegation is concerned. I would appeal to our colleague from the Russian delegation and maybe to members of other delegations to leave the text as it was presented to us. Perhaps at the next session we might look very carefully into some of the ideas, which are a bit ahead of our Committee at this stage in the sense that references have also been made to the report of the Trinidad and Tobago seminar, which we have not yet formally discussed. Maybe it will be the next item. I believe the discussion of some of these matters might best be carried over to the next session, because the report to which the Russian delegation very correctly refers, and from which he cites, reflects the new mood of our time. We think some of the discussion in Trinidad and Tobago went a bit beyond the point where some delegations may be comfortable.

This was an attempt to adapt the conduct of this Committee to the new circumstances facing us. We have never been in any doubt whatsoever about the commitment of the Russian Federation or Russia as a country to the cause of decolonization. Some of us have always worked with the Russian delegation. We know their internationalist achievements, and so many countries which are now Members of the United Nations owe a great deal to what countries like Russia have done in the past and continue to do now.

I think that at this half-way point in the Decade, we should take care that whatever we do in this Committee should be in the interests of the peoples who are still colonized — those in the 17 Non-Self-Governing Territories, who are bona fide colonial peoples under bona fide administering Powers. It is up to this Committee to see to it that progress is made by the year 2000, though some has been made already along the way.

One of our main problems always has been the non-participation of the administering Powers. We in this Committee try to speak for these Powers because we want their opinion to be known, so that we can make progress in those specific areas.

Concerning paragraph 10, I believe that it has been amended, but I do not know if that amendment was introduced. Allow me then to read from the amended text:

> "Taking into consideration that the International Decade for the Eradication of Colonialism has entered its final stage and in conformity with the discussions and decisions of the Special Committee and its subsidiary bodies, the Special Committee should include in the agenda of its 1996 session an item entitled 'The list of the Territories to which the Declaration is Applicable' for detailed and thorough consideration".

I am aware of the concern of the Russian delegation. But it is the understanding of my delegation that the list of Territories is drawn up by the General Assembly, and I think that the resolutions of the General Assembly and the Declaration on the Granting of Independence to Colonial Countries and Peoples are as applicable today to the 17 remaining Territories as they ever were. I would suggest, therefore, that this Committee should focus on giving the peoples of the Non-Self-Governing Territories the opportunity to determine which direction they want to take. Then we will know whether or not they will remain on the list and if they have freely chosen their path.

In conclusion, I would suggest to my colleague from the Russian Federation that in the interest of saving time, which we agree is of the essence, and without watering down the substance of these intended amendments, we stick to the original text as much as possible.

Mr. Viswanathan (India): At the outset, I should like to express our support for the statements made by the representatives of Cuba and Tanzania.

I should also like to thank my colleague from the Russian Federation for explaining to us the motives behind these amendments and the concerns on which they are based. We appreciate this. I want him to know that we all share the same concerns when it comes to ensuring that United Nations resources are used efficiently and economically and that there is no waste. I should like to assure him also that since we all contribute to the United Nations, we all share these concerns. I think that we are heading in the right direction. We have cut down on the meetings and economized on many things, and what we have now is, I think, the minimum. I do not believe there is much scope for further reduction in our activities, because this might hamper the effective implementation of the mandate of the Committee.

We must keep in mind that we cannot now, in the final stages of decolonization, place another obstacle in the path of this Committee, especially a self-created one. Of course, I should like to assure him that the ultimate objective of this Committee is its own self-destruction. We want this Committee to wind itself up as soon as the goals of decolonization are achieved, and for this we have set the year 2000 as a target date. The United Nations would no longer have to spend money on this Committee, and we are all looking forward to that day.

I should like now to deal one by one with the amendments proposed by the Russian Federation, in addition to supporting the appeal of our colleague from Tanzania that any amendments to the paper just presented by the Working Group — with which we are happy — could be reduced to a minimum so as not to affect the substance of the paper.

I think the amendment to paragraph 4 that reads "as appropriate, by the General Assembly", is not necessary. We cannot support it because we should not put this kind of handicap on the work of the Committee. If the issue is seminars and related expenditures, I should like to say that we found the seminar held in Trinidad and Tobago very useful and very educational. A number of ideas were clarified in a very informal atmosphere. We think, therefore, that these seminars are useful and that we should not cut down on such expenditures. Other bodies deal with the financing of the United Nations as a whole, so it is for them to decide. Let us not place an obstacle in our own path.

In paragraph 5, the representative of the Russian Federation refers to the request of the Secretary-General in his statement of 22 June 1995. This is not necessary.

The resolutions and working papers of the other Committees do not go into these matters, and what applies to other Committees and bodies applies to us also. We do not have to insert anything that specifically takes note of these matters. We all are aware of that.

With respect to paragraph 6 (b), in which the heading "Subsidiary bodies" has been replaced by the heading "Subcommittee and Working Group", I am not familiar with the procedure, but I have no problem with this amendment.

His suggested amendment to paragraph 8 — the production of one consolidated working paper on all Non-Self-Governing Territories — is not acceptable. These Territories face different circumstances, problems and issues, and we have agreed in this Committee to take note of these differences and deal with them on a differentiated basis. That purpose would be defeated if we were to ask for a consolidated working paper. We would insist that there should be separate papers on each of these Territories.

The amendment to paragraph 9 states that the Committee's verbatim records should be replaced by summary records. We have no problem with that so long as it is done in all the other Committees as well. The day the United Nations decides that this will be done uniformly in all the Committees, we too can follow that directive. But we cannot discriminate by saying that in this particular Committee, we will have only summary records, while others have verbatim records.

On the question of the list of Territories, we have no problem with this, except that it could be made more meaningful. I find that there is one issue we have not addressed in this Committee: the implementation of the Plan of Action drawn up in connection with the International Decade for the Eradication of Colonialism. This needs to be reviewed in detail to see what action has been taken; in what areas action needs to be taken and how it is to be done; whether any changes are needed; what the new developments are; and so on. If there is a general review of the Plan of Action of the Decade, naturally the list of Territories will also be covered there. I appeal to my colleague from the Russian Federation to consider that point.

Apart from what the representative of the Russian Federation has suggested, I have an additional comment on paragraph 11. The last sentence refers to the next seminar being held in 1996, to be attended by representatives of Non-Self-Governing Territories in the Pacific region, but I suppose that the seminar will also be open to others also, such as non-governmental organizations, regional organizations and members of the Committee; the text may have to be modified in that light.

I have no problem with the last amendment concerning the proposed new paragraph 14, but I think it needs to be looked at from the point of view of the procedures, rules and regulations that govern these matters.

Mr. Al-Attar (Syrian Arab Republic) (*interpretation from Arabic*): This meeting started two hours late; as very little time remains for the Committee to conclude its work, I shall be very brief and will not repeat what other speakers have said. The representative of India has appealed to the representative of the Russian Federation to take into consideration what other members have said; if we agree to amendments, they should be objective and aimed at strengthening, not weakening, the work of the Special Committee.

Some of the amendments that have been offered are indeed objective; I am sure that the representative of the Russian Federation presented them with the interests of the Committee in mind. Perhaps he will not insist that they all be debated, and perhaps members will agree to suitable amendments that will strengthen the work of the Committee. Some of the amendments refer to the financial aspects of the work of the Special Committee. These are very important, because a sword of Damocles is hanging over the Special Committee: the lack of resources and the need for careful, optimal use of the resources that are available.

When the officers of the Committee prepared for the seminar, they suffered greatly under artificial financial constraints. We do not want to adopt amendments that would entail the same kind of suffering in future years. The Bureau takes full account of financial problems when it discusses documentation, meetings, and all other aspects of our work. And we note that the Working Group has rationalized its own work to the maximum extent. It can do no more than that.

By the proposed amendment to paragraph 10, the Secretariat would prepare a list outlining developments in the various Territories. At present, we cannot do this if the administering Power does not cooperate with the Committee. Only when the administering Powers agree to discuss each individual Territory can the Committee

accept such an amendment to paragraph 10. But at the moment it cannot, because General Assembly resolutions and the Charter define the work of the Committee in terms of cooperation with administering Powers; since that cooperation is lacking, the Special Committee can make no changes. Perhaps the representative of the Russian Federation could postpone some of his amendments to the next session. Perhaps in the next few months we will find the administering Powers beginning to cooperate with the Special Committee; we could then give our work a new direction. For the moment, we cannot change the principles and purposes of the Special Committee until the administering Powers begin to cooperate with the Committee.

Ms. Khan-Cummings (Trinidad and Tobago): I just wanted to appeal to all delegations, with a view to advancing the work of the Committee. As you have said, Sir, we have already lost much time and much money. There are merits in all the statements made by all members of the Committee, and I think some of them are highly worthy of consideration. I think we should go straight into those that are worthy of consideration and that we can accept. Those that we need to postpone should be deferred to an appropriate time.

I would like to go directly into some of the amendments offered by the Russian delegation. I think the representative of India was quite right to address the amendments themselves to advance the work of the Committee.

With respect to paragraph 4, I wish to support the recommendation made by India, that we should probably maintain the Working Group's original text.

With respect to paragraph 5, I recall that the Secretariat mentioned yesterday that although the session of the Subcommittee has been reduced to a shorter period this year, I think the number of meetings were more or less the same as last year, or even more. So I am not sure whether the shorter session has really contributed effectively in some financial way. I think we might need to verify that question. I agree that the shorter period compressed the time available for the work of the Committee, which I preferred to the situation last year. I think we should maintain that compression, but I do not think that it contributed to a reduction of the Committee costs. I am not sure whether that is true, so we just need to clarify that.

With respect to paragraph 6 (b), I agree with the recommendation to rename the heading "Subsidiary bodies" as "Subcommittee and Working Group", except that, in section (a) we say "Plenary", which refers to the type of meeting, while section (b) refers to the participants in the meetings. To maintain some conformity, I think section (a) should probably refer to meetings of the Special Committee, while section (b) would refer to meetings of the Subcommittee and Working Group. That would maintain some consistency. It is a matter of form.

With respect to paragraph 8 on consolidating the working papers, although I see the merit of this recommendation, I question the practicability. I know that the documents are issued on a staggered basis, which might sometimes depend on the kind of information available to the Secretariat when preparing them. Whereas I see the merit of having a consolidated document, I wonder about the availability of the information for the production of these papers. I think that element would probably impose some constraints on the Secretariat. It might be necessary to have the documents prepared separately, as was recommended by the representative of India.

I have no problem with the amendment relating to paragraph 9 if that is the established practice.

With respect to the amendment relating to paragraph 10, I think our participation in the seminar in Trinidad gave us some time to reflect on the *raison d'être* of the Committee. We needed some time for soul-searching and to see how we could advance the work of the Committee. I think the Committee should react quickly when there is a need for change and not necessarily engage in a long process, because we know that there are only five years left of the International Decade. If we delay too much, we ourselves will be reducing the length of time available to do our work.

We should take on board whatever amendments are practicable. However, I agree with the representatives of Tanzania and India that, until we have thoroughly discussed and adopted the report of the Working Group on the Seminar in Trinidad, it will not be possible to adopt all those amendments. We may need to postpone a decision on this amendment until we take a decision on this amendment until we take a decision on the report.

With respect to the proposed new paragraph 14, along with the representative of India I am not sure what the procedural aspect is. How is this Working Group elected? There must be some procedure, which we may

need to review. Nor am I sure how having an open-ended bureau would work. It sounds very odd, but I think we have to look at the practicability again and the decision-making process of a bureau. You need to have a small bureau that can take decisions within a short period of time. So we need to look a little more closely at this last amendment.

Also with respect to the form of the report, I have a general recommendation. I note that we have used the arabic numerals for the subheadings as well as for the paragraphs themselves, which seems slightly confusing. We could probably use roman numerals for the subheadings and arabic numerals for the paragraphs, just to clarify the appearance.

The meeting rose at 1.05 p.m.